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Saturday
13th March, 1954

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

VOLUME I, 1954

Sixth Session

1954

PARLIAMENT SECRETARIAT
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THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

Dated 26.11.201

HOUSE OF THE PEOPLE

Saturday, 13th March, 1954

The House met at One of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*No Questions: Part I not published.*)

MOTION FOR ADJOURNMENT

Mr. Speaker: The hon. Member, Shri Gopalan, has sent to me notice of an adjournment motion. I think he better see me first in the Chamber, and then I will decide.

PRESS (OBJECTIONABLE MATTER) AMENDMENT BILL—*contd.*

Clause 3.— (*Amendment of section 2*)—*contd.*

Mr. Speaker: The House will now take up the further consideration of the Bill to amend the Press (Objectionable Matter) Act, 1951.

Yesterday, I believe clause 3 was under consideration, and Mr. Sadhan Gupta was on his legs. Before I call upon Mr. Gupta, I must invite the attention of the House to the time-table. There is only half an hour left for all the remaining stages of the Bill. There are a number of amendments to clause 4. If they like, hon. Members may make a selection.

Shri N. C. Chatterjee (Hooghly): Yes, we shall make a selection.

Mr. Speaker: We shall see when we come to clause 4. All the amendments to clause 3 have been disposed of yesterday. Mr. Sadhan Gupta may continue his speech.

Shri Sadhan Gupta (Calcutta South-East): Yesterday, I was pointing out how through a small amendment a great change had been effected in the law, by making the penalty for printing matters without the name of the printer and the publisher from undeclared presses more drastic than under the original Act. I said that that should not be done without taking the opinion of the House. I can well imagine the Home Minister throwing up his hands in holy horror and saying, "Do you want undeclared presses to continue? Do you want things to be printed and published without the names of the printer and the publisher?" Even assuming that it is very wrong, my point is not that it is being penalised but my point is that it is being penalised so drastically without giving the House an opportunity to discuss the matter, without giving the House the reason why so drastic a penalty should be imposed.

Mr. Speaker: I shall now put clause 3 to the House.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.—(*Amendment of section 20*)

Mr. Speaker: What are the amendments to be moved?

The Minister of Home Affairs and States (Dr. Katju): I have to move an amendment.

Mr. Speaker: I am asking other hon. Members to mention their amendments. After that, I shall come to Government's amendments. If there is time, they will be moved; otherwise, they will be taken as moved and put to vote without any argument.

Shri N. C. Chatterjee: I should like to move No. 6.

Shri Vallatharas (Pudukkottai): I am not moving my amendments.

Mr. Speaker: Any other hon. Member? I find none. So, apart from Government's amendments, only No. 6 is going to be moved.

Shri N. C. Chatterjee: I beg to move:

(i) In page 1, *omit* lines 18 to 26; and

(ii) In page 2, *omit* lines 1 and 2.

In clause 4, what the hon. Home Minister is doing is this. He is taking away some function which was consciously given to the jury by Shri C. Rajagopalachari. Rajaji—and I submit, rightly—conferred this right upon the jury. He gave the jury the right and the duty to decide whether some matter which is placed before the court is objectionable matter or not, and secondly, he conferred on the jury the power and the duty to decide whether in the circumstances of the case, the security demanded by the Government should be imposed or not. That was deliberately and consciously given to the jury by the then Home Minister, and I submit that that power should not be taken away. My learned friend said yesterday "This is something very extraordinary". It is not something very extraordinary. Let me read to you from Halsbury's *Laws of England*, Vol. 20, page 508, paragraph 625.

> "General Principles—Damages, the province of the jury.—The amount of damage is peculiarly the province of the jury, and the judge himself must not decide the amount."

This is an article contributed by the late Lord Chief Justice of England, Lord Hewart. He was not merely Lord Chief Justice of England, but he was also a journalist of high position. He was the editor of the paper *India*, which was a Congress paper functioning in England. He was also associated with the British Committee of the Congress in his younger days when he was a leading member of the Bar.

That is the English law on the subject. The quantum of damages to be imposed should be decided not by the judge but by the jury and that is the principle which was invoked by Shri C. Rajagopalachari and that was incorporated in this Bill.

One case my hon. friend mentioned yesterday was about some publication in Delhi a thing which was very regrettable and which everybody should condemn. It was about some lady who was married to an ambassador posted to some country by the Indian Government. My hon. friend said that the jury was of the opinion that the matter printed was objectionable, but no action need be taken. Upon that, Pandit Balkrishna Sharma shouted 'shame, shame; the jury behaved shamelessly'. I have the greatest respect for that jury. Unfortunately, my hon. friend has not given the House all the facts. I am not saying he was consciously misleading the House, but the fact is that it was only half truth. What happened was this. The jury consisted of the most eminent men available in this country—Mr. Dharampal Gupta, Editor, *Tej* weekly, was

the foreman of the jury; Lala Sham Nath, President Delhi Municipal Committee, Mr. K. Shankar Pillai, Editor, *Shankar's Weekly*, Mr. Aziz Hasan Baqai, Editor, *Peeshwa*, Maulana Farqlit, Editor, *Aljamait*, were the gentlemen who comprised the jury. What happened was this. Under section 16 of the Act, it was decided that it was objectionable matter and the complaint specified the amount of security which, in the opinion of the State Government, should be demanded. The State Government here demanded a preposterous security of Rs. 30,000. Even during the worst days of British imperialism when the Indian National movement was very strong, nobody had ever heard of such a high amount of security being demanded...

Pandit Thakur Das Bhargava (Gurgaon): The limit was Rs. 10,000.

Shri N. C. Chatterjee: Even with respect to the *Amrit Bazar Patrika*, which was the worst persecuted paper by the Britishers, only Rs. 5,000 was demanded as security, but here the State Government demanded Rs. 30,000. The jury, consisting of esteemable and responsible men, condemned the offence, but they found that it was absolutely impossible to inflict such a ridiculously heavy penalty which was out of proportion to the offence which was alleged, and they, therefore, said "There is no power to inflict any other penalty and we cannot inflict that penalty as recommended by you. We, therefore, administer a stern warning against the paper, and if the offence is repeated, the paper will be strongly dealt with." That is what has happened. Is it a justification for taking away that power and function of the jury which had been consciously given to them by Shri Rajagopalachari and the then Parliament of India? I submit, not. If you want to condemn the jury for this kind of dereliction of duty, then you should condemn the Sessions Judge also and take away the power from the judiciary.

Sir, under section 21, sub-section (2) of this Act—

"If in any such enquiry the Sessions Judge disagrees with the opinion of the jurors and is of opinion that it is necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly recording the grounds for his opinion."

The Sessions Judge in this case is a judge who is held in high esteem, a judge of experience. He has been a distinguished member of the legal profession and he did not differ. He accepted the verdict. He did not think the verdict was perverse, or wrong and did not refer the case to the High Court.

I am told—I do not know how far it is correct—after the Prime Minister in one of his speeches referred to it that somebody had discovered that in the wonderful bureaucratic administrative machinery that this Rs. 30,000 was a mistake: it ought to have been Rs. 3,000! The Government Department was so slack and inefficient, they made it Rs. 30,000 and put up a complaint for inflicting this security of Rs. 30,000. Instead of sacking that man, instead of going against him, the Minister is going against the jury. I submit this is a very very poor excuse and this is no justification for making a change.

If you want to continue the Act, for Heaven's sake, continue it for another year, or even a couple of years if you like; but do not tamper with the Act. In response to our appeal and Pandit Thakur Das Bhargava's appeal, the Home Minister has said that he would bring forward a comprehensive Bill. When he does so, we shall discuss the matter. But I would appeal to him not to make any radical changes now taking away the power and function of the jury, and not to interfere with the privileges which have been deliberately given to the pressmen who will function on the jury in this case under Rajaji's Act.

Mr. Speaker: Amendment moved:

(i) In page 1, *omit* lines 18 to 26; and

(ii) In page 2, *omit* lines 1 and 2.

Pandit Thakur Das Bhargava rose

Mr. Speaker: There is no time.

Pandit Thakur Das Bhargava: I am submitting for your consideration one aspect of the case. I realise that when the Business Advisory Committee has allotted twelve hours for this Bill, we should abide by it. But you yourself know that in regard to Bills there was no time-limit before. This is one of the most important Bills and now we are coming to the clause relating to appeal. I have got a good many grounds to offer why appeal should not be allowed. When the new Bill comes this will be cited as a precedent. This Bill has never gone to Select Committee or any other body. This is a new provision and I want to be heard on this point. I also suggest that you may extend the time.

Mr. Speaker: I am sorry it is not possible, because hon. Members if they wanted extension could have curtailed the general discussion. We had made specific allotment of time; eight hours for the general discussion, three hours for clause by clause stage. I am afraid the general discussion was extended by at least two hours.

So, we have to adjust the whole thing within time. The other two Bills require to be passed immediately and could not be postponed in view of the fact that they have to be passed within a certain time. The Business Advisory Committee had taken that into consideration. I quite appreciate the difficulties of the hon. Members but when the House has got an amount of business, there has to be some relation to the length of the speeches also.

Dr. Lanka Sundaram (Visakhapatnam): Day before yesterday, at two minutes past six, I raised this question referring to the time-table you had set for this Bill. I did not have any remedy from the Chair. (*Interruptions*). The first stage should have been completed by that time, but it was continued. I stood up and brought this to the notice of the Chair but we had no remedy at all. Now, the third reading will have to be there, the clauses will have to be disposed of.

Pandit Thakur Das Bhargava: As a matter of fact, those who spoke on the first reading and the second reading are not a group by themselves. Each one stands for himself and the Chair when it apportions the time for the different stages may stick to the programme and not allow any other person to speak. So far as clauses are concerned, they constitute the operative part and thus the most important part of the Bill and if you do not give us sufficient time I am afraid we will not be able to do our duty and do justice to this Bill which is one of the most important Bills. (*Interruptions.*)

Mr. Speaker: Let us not spend time on that; there is no alternative for that. Are the hon. Members prepared to agree to the curtailment of time for the other Bills?

Pandit Thakur Das Bhargava: I have no objection.

Shri N. C. Chatterjee: I have no objection.

Mr. Speaker: Then let us see the time-table for the other Bills.

Pandit Thakur Das Bhargava: In regard to the other Bills, we do not require three hours; I have seen the Bills.

Mr. Speaker: I want to be sure so that it could be pushed through. Will one hour be sufficient for the Transfer of Evacuee Deposits Bill?

Shri Gidwani (Thana): Two hours.

Mr. Speaker: Are the hon. Members agreeable? If you have two hours for this, you can have one hour from that. I am prepared to go further but there should be no further request for any time and the speeches must be strictly limited.

Pandit Thakur Das Bhargava: I will be as brief as possible.

Dr. Lanka Sundaram: Please apportion some time for the third reading.

An Hon. Member: One hour includes that also.

Mr. Speaker: I do not think that the third reading will take any long time.

An Hon. Member: May we know if all the three Bills will be put through today?

Dr. Katju: I have no desire to have the discussion curtailed—they can discuss for as long a time as possible. But on clause 4 every hon. Member who spoke on the general discussion has dealt at length and has advanced all that has to be said.

Mr. Speaker: Let me fix up the time. What time does he want? He must leave some time to the hon. Minister also for replying.

Pandit Thakur Das Bhargava: I will be extremely brief in regard to clauses 4 and 5.

Mr. Speaker: I want to know the time.

Shri N. C. Chatterjee: Half an hour or fifteen minutes.

Mr. Speaker: Half an hour for clauses 4, 5 and 6 and fifteen minutes for the Minister; that means three-fourths of an hour and then half an hour will remain for the third reading stage on that basis.

Dr. Katju: There are some amendments, but I will not take a long time.

Mr. Speaker: I shall put them through; if any Member has to speak, he will not speak but he may vote against.

Pandit Thakur Das Bhargava: This is my humble submission in regard to this particular amendment. As has been stated by Shri Chatterjee, it is quite true that you must look at the Bill as a whole and when this was the intention of the hon. Minister who was the author of this Bill that all the matters should be referred to the jury, now it is too much to expect us to agree that the functions of the jury and the judge should be divided as in ordinary cases. There is a very great amount of difference between this kind of cases and the ordinary cases. This is not realised by the hon. Minister in charge of this Bill. In regard to such cases, the real point at issue is not: when an offence has been committed. In all these preventive proceedings, the offence is not committed and the person who is called accused is not an accused; there is no conviction, there is no acquittal. (*Interruption* by Dr. Katju).

Mr. Speaker: Let him proceed.

Pandit Thakur Das Bhargava: If he would just curtail some amount of his portion out of the allotted time and put in his objections. I shall answer them. In these security cases, therefore, a person is absolutely innocent. And even after an order is passed there is no conviction. Section 75 of the Penal Code will never apply here. The initial or basic mistake committed by the hon. Minister is that he regards these cases as a trial. There is no question of acquittal, or of an appealable order being passed —but right of appeal is never inherent. It is a creation of the statute and orders have been made appealable by a certain section of this Act. In ordinary cases what happens? We know the definition of the offence. We know what happens under section 302, or 304(2) or (1), even under section 325 and section 323. They are defined by law. The judge has to apportion the sentence to the offence when one is proved to have been committed. This is a matter of law. In these preventive provisions there

[Pandit Thakur Das Bhargava]

are two questions of fact, firstly whether objectionable matter is there and, secondly, even if it is there the judge is not bound to ask for security. In offence cases he is bound to convict a man if the offence is proved. Here he has to decide a very important question, whether there are sufficient grounds as a result of which, in spite of the fact that a person has disseminated such and such matter, he should use his discretion and decide whether, in view of antecedents, knowledge, etc. of the respondent a security should be demanded or not. This is a mixed question of law and fact, not purely law or purely fact. Therefore this has been allowed to the jury.

What motivated the author of the Bill was that he wanted to evolve a certain kind of professional ethics in which these journalistic gentlemen were to be given charge of the whole case and they had to decide whether the circumstances were sufficient in which security should be demanded. Therefore in the present case the powers given by the author of the Bill should not be taken away by his successor, who was not present at that time and in whose mind the whole picture is not present. What he wanted, the hon. Minister does not know. He himself says that he does not know why two years were fixed. When he has not gone through all those features, I do not think he is entitled to make this kind of amendment in the law.

What would happen? The hon. Minister takes his cue from sections 417 and 418 of the Criminal Procedure Code. Under section 418 much less powers are given in an appeal of this nature when the matter goes to the High Court, than in ordinary cases. In ordinary cases it is only on a point of law, when the jury is there, that the appeal is taken. In this Act the appellate court also has been equipped with full powers. They can pass any order, on fact or law. This is what the Act itself says. Thus this Act was framed as a special Act with special provisions.

Under all these circumstances I would beg the hon. Minister not to press his amendment. Because, according to me, this has not gone to Select Committee or to the Commission. It has gone nowhere. It has been sprung on us by surprise. In an extension Bill these controversial matters should not come in. I would therefore appeal to the hon. Minister even at this stage to take away all his amendments and, after it has gone to Select Committee or to the Commission, to make such drastic changes in the law of this country.

Shri Dhulekar (Jhansi Distt.—South): How is it surprise? We all know it.

Dr. Katju: I confess to a sense of surprise at the arguments advanced by my hon. friend, Mr. Chatterjee. He referred you to a passage from Halsbury's Laws of England and referred you to the procedure in civil cases. I ask him if there is a single precedent in that fat book of his to show that that procedure applies to criminal cases. We know that in a civil case it is a claim. Suppose it is a defamation case and I claim Rs. 200,000 just as I claim on a promissory note. In that case the jury will pronounce judgment on two questions: one, as to whether there is any defamation at all, and secondly, if there is, how much is the plaintiff entitled to in terms of pounds, shillings and pence or rupees, annas and pies. My hon. friend reads that passage out to you and says that the jury has got the power to pronounce the quantum of damages. Let us be clear about it. I say with confidence that in a criminal matter, it is for the judge, when the jury has brought in a verdict of guilty, to say whether he lets off the accused with a warning, or what punishment should be awarded to him. Speaking as a lawyer with a little knowledge, that

is the fact as I understand it. This is something extraordinary.

The second thing is this. He referred to that abominable case—I do not want to discuss the case, either of the press, the jury or the judge. He said that when the national struggle was at its height nobody ever demanded Rs. 30,000. What has that got to do with the national struggle? Here, the abominable note was published about a decent man who has got his wife and children. I say, this was a case where a sum of a lakh of rupees should have been demanded and he is speaking about thirty thousand!

Shri N. C. Chatterjee: Why not? It is for the Sessions Judge.

Dr. Katju: That is a different matter. Appeals against Sessions Judges are done everywhere. I do not want to discuss the judiciary here. My hon. friend said that the judge can give the order for security of Rs. 30,000 or nothing. I think it must have been a sort of oversight. Here is section 4 in regard to the keeper of the press, which says:

> "the Sessions Judge shall, by order in writing, direct the keeper of the press to deposit as security within twenty-one days from the date of the order, such amount as the Sessions Judge may think fit to require..........."

If the Government in its complaint has asked for Rs. 30,000 it is open to the Sessions Judge to say 'No', and allow only three thousand or even three hundred.

Shri N. C. Chatterjee: May I interrupt the hon. Minister? The jury has no such power. Would you kindly read section 20, which says:

> "If in any inquiry before a Sessions Judge under this Act, the respondent claims to have the matter determined with the aid of a jury......"

Dr. Katju: We are coming to that, as to what the Sessions Judge can do. Now coming to section 4, it again says:

> "Provided that if, having regard to all the circumstances, the Sessions Judge is satisfied that the requirements of the case will be met by a warning, he may, instead of demanding security, record such warning."

This is in relation to the keeper of the press, and the same provision we find in paragraph 7. I submit that I have got a list of cases here where over and over again the Sessions Judges have demanded lesser security. I am not talking in any party spirit. I say that it is putting much too great a burden upon the jury, whatever my hon. elder, whom I admire and at whose feet I want to sit, may have said about this matter. We have got some judgment of our own. It is too great a burden to be put upon the jury to ask them to say what punishment should be inflicted.

Pandit Thakur Das Bhargava: In prevention cases there is no punishment.

Dr. Katju: It starts as a criminal proceeding, it is governed by the Criminal Procedure Code and it results is an order—call it whatever you like. Then it has an appeal to the High Court. My hon. friend says it is a security matter. If the objectionable matter has dealt with what you may call political comments, then I can understand something like this. I satisfied the House yesterday. Every clause of section 3 can be referred to a particular section in the Penal Code and the......

Pandit Thakur Das Bhargava: It is absolutely wrong.

Dr. Katju:...punishment awarded there begins with a sentence of death and ends with a sentence of imprisonment in every case.

Pandit Thakur Das Bhargava: Question.

Dr. Katju: My hon. friend now says that these are not accused; I do not know, these are undefined persons. They may say anything they like against any man and if security is demanded, if they are not dealt with under the Indian Penal Code and punished with imprisonment, they are entitled to all sorts of facilities, amenities. and indulgences. It would be a discrimination in favour of this jury and no other jury. I cannot possibly subscribe to this proposition. I think it would be fatal for me to do so. When that Bill comes,—it is not a question of this Bill becoming a precedent,—when we have the whole thing before us, if I may have my own way, I shall make a proposal before the House abolishing the blessed Press (Objectionable Matter) Act altogether and put it in the Penal Code, and properly punish the people who do these nasty things. I repeat it again and again that this is a merciful Act. This is a generous Act.

Pandit Thakur Das Bhargava: Absolutely ineffective.

Shri N. C. Chatterjee: Useless and ineffective.

Dr. Katju: It does a great favour to the Press. That is my proposition before the House.

I do not know whether the second proposition you are dealing with or not: about appeal. I do not want to detain the House unnecessarily. I dealt with it yesterday. We are all governed by the same Code. Why should there be any distinction between a man who is undergoing a trial for murder and a gentleman who has been asked to deposit a security of Rs. 300? The Rs. 300 gentleman says, I have got a judgment in my favour from the Sessions Judge, I am off. The poor man who has been tried for murder, is acquitted by the Sessions Court. There is an appeal by the Government and he is ordered to be hanged and he is hanged.

Pandit Thakur Das Bhargava: My hon. friend is speaking on clause 5.

Dr. Katju: What is this interference? Is this a point or order? Both these are contrary to the whole conception of the criminal jurisprudence as it is obtaining in India. I am not opposing this simply for opposition's sake. If there had been, if my hon. friends will permit me to say so, any reason behind it, any force behind it, I would have been the first person to accept this amendment.

Mr. Speaker: I put the amendment to the vote of the House.

The question is:

"(i) In page 1, *omit* lines 18 to 26; and

(ii) In page 2, *omit* lines 1 and 2."

The motion was negatived.

Mr. Speaker: Amendment No. 38.

Dr. Katju: If we proceed upon a district-wise basis to select the jury, in many districts, competent persons are not available. Therefore, Government has decided, in the interests of the profession, if I may say so, that we may have a list made on the State basis. This was stated in the original Bill as placed before the House. Then, the question arose how it should be published, how it should be prepared and how distributed. That matter has been gone into at length and this amendment puts before you the procedure by which the State-wise list should be prepared and circulated among all the districts. That is the object of the amendment.

Amendment made:

In page 1, *for* lines 15 to 17 *substitute*—

'(a) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

"(3) Such Officer as may be appointed by the State Government in this behalf shall, consistently with the provisions contained in sections 319 and 320 of the Code in so far as they may be applicable thereto, prepare and make out in alphabetical order a list for the entire State of persons residing within the State, who by reason of their journalistic experience or of their connection with printing presses or newspapers or of their experience in public affairs are qualified to serve as jurors, and the list shall contain the name, the place of residence and occupation of every such person.

(4) The list so prepared shall be published by the Officer in such manner as he may think fit for the purpose of inviting objections thereto, whether orally or in writing, and a copy of the list as finally revised by him shall be sent to each of the Sessions Judges within the State and shall also be published in the Official Gazette of the State."

—[*Dr. Katju*]

Further amendment made:

In page 2, *after* line 2 *add*—

"(a) In sub-section (5), *for* the words and letters, 'the provisions of the said parts C, E and F shall apply to all inquiries under this section, and the provisions of the said part K shall apply to the preparation and revision of lists of jurors under this section', the words 'the provisions of the said parts shall apply to inquiries under this section' shall be substituted."

—[*Dr. Katju*]

Mr. Speaker: The Question is

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5.—(*Amendment of section* 23)

Mr. Speaker: Are any amendments to clause 5 being moved?

Pandit Thakur Das Bhargava: We want to speak on clause 5.

Mr. Speaker: So, I will put it separately. But are there any amendments?

Shri K. C. Sodhia (Sagar): I beg to move:

In page 2, line 9,—

(i) *omit* "The competent authority or"; and

(ii) *omit* "other".

I have carefully heard the speech of the hon. Home Minister, but I am not convinced. He said that the Bill is a merciful Bill. I want that it should be merciful and also that it should not smack of vindictiveness. May I draw the attention of the House to section 23 of the original Act in this connection? It says that any person against whom an order has been made by the Sessions Judge can appeal to the High Court. That is, Government have not taken to themselves the right of appeal in that section. That Bill was moved by Shri Rajagopalachari who is one of our best politicians and statesmen. It does not appear to me that this provision did not attract his attention. He let it go simply because he did not want to have it.

In the trial by jury, when the jurors say that the accused is not guilty if the Sessions Judge does not accept their verdict, then he can sentence the accused. But when both the Sessions Judge and the jury are unanimous in their opinion, then the case is lost and the accused is set free. My submission is that in view of the amendments just now put for-

[Shri K. C. Sodhia]

ward by the Home Minister and accepted by the House, responsible persons of the profession will be selected as jurors from all over the State. These jurors will be just to the case and say whether on facts the accused is guilty or not. If the Sessions Judge does not accept their judgment, he can just refer the matter to the High Court and the case is not lost against the Government. When the jurors who themselves, as the hon. Home Minister has said, are men of responsibility in the profession return a verdict that on facts the person is not guilty and the Sessions Judge also concurs with their judgment, then only the case can be lost and the opportunity arise for Government to go in for an appeal. I say that in a matter like this when we are dealing with the Press, Government should not be vindictive. When five or seven persons of the jury who are responsible persons in the profession, and the Sessions Judge come to the same conclusion and discharge the accused, Government should take that judgment and that order of the Sessions Judge in a sportsmanlike manner. I do not concede the point that all are on an equal footing, and in every case Government should have the right of appeal. I submit to the hon. Home Minister that Government should not be vindictive, and they should not prefer an appeal against the accused, by pursuing the matter after the professional people who have been selected by an officer of the State, and the Sessions Judge, come to the same conclusion and let off the accused.

I would therefore submit that my amendment is a very reasonable one, and I hope the hon. Minister will see his way to accept it.

Mr. Speaker: Amendment moved:

In page 2, line 9,—

(i) *omit* "The competent authority or"; and

(ii) *omit* "other".

Pandit Thakur Das Bhargava *rose* —

Mr. Speaker: I think I should call upon Shri Vallatharas, because he has an amendment in his name, which, though not exactly the same as Shri K. C. Sodhia's, still touches very nearly the same point.

Shri Vallatharas: I beg to move:

In page 2, line 9, *for* "The competent authority or any other person" *substitute* "Any of the parties to the inquiry".

My amendment is not the same as Shri K. C. Sodhia's. but it regularly touches a totally different matter altogether. Once the principle is conceded, I do not want to enter into the details. But the question is who has the right to go to a higher court, whether it is the parties to the proceedings or any person against whom a remark is made in the course of the judgment. Supposing A and B are parties to a suit. A is the competent authority, B is the press, and in the course of the judgment or order, there is some remark made against C or D, the question is whether that C or D will be entitled to go to an appellate court, because he is also a person aggrieved by some observation or remark in the order or the judgment. In my humble opinion, that sort of liberty should not be given to any person. Only parties to the proceedings are entitled to go to the higher court, to get their grievances redressed. Supposing a remark is made against a third person, either it may be an *obiter dictum* or *ultra vires* and if there is anything objectionable, the question whether it should be expunged or not is quite another controversial matter. There are so many cases in which the expunging of certain portions of a judgment or an order has been called into question, and great difficulties have been felt. But in this measure, which serves only a tentative purpose, I would like to submit that the clearer meaning should be put in.

No person other than the parties to the suit, *viz.* the competent authority, and the defendant or the accused, whoever it might be, should be entitled to go to the appellate court, whatever might be the nature of the remark made against him in the course of the judgment or the order, because a third person cannot be subjected to punishment, either in regard to the quantum of damages or forfeiture or whatever else it may be, there is no relief claimed against a third person.

Under these circumstances, I should suggest that the right to go to a higher court must be restricted only to the parties concerned.

Mr. Speaker: Amendment moved:

In page 2, line 9, *for* "The competent authority or any other person" *substitute* "Any of the parties to the inquiry".

Pandit Thakur Das Bhargava: In relation to this amendment, *viz.* that the right of appeal should be given to Government, I submitted one point yesterday. In addition to that, I would like to offer some other remarks today.

If the amendment of my hon. friend Shri Vallatharas is accepted, the real intention of the framers of the Bill would be frustrated. When the original Bill was being discussed, I brought it to the notice of Shri Rajagopalachari, the then Home Minister, that though a press worth Rs. 1 lakh or Rs. 5 lakhs or Rs. 10 lakhs is forfeited, still, the owner of the press was not a party to the proceedings. I also submitted that so far as article 19 (1) of the Constitution was concerned, the right to property was included therein, but a person who is the owner of the press and who is not a party to the proceedings has got no right to appeal.

The hon. Mr. Datar when he took part in the debate said he wanted to punish the owners of the presses, though they were not parties. The position of the keeper of the press is that of the respondent. That is the real meaning of this Bill. I raised this point but it was not accepted. Therefore, it offends against article 19(1), but that is not part of the argument at this spot that I want to place before the House. This is only in reference to the speech of Shri Vallatharas. We have accepted extension of the Act for two years. I know the Act is unconstitutional, but we have accepted it. What I am submitting is that this is entirely a new provision which my hon. friend says is a minor amendment. I will just give some reasons why this 'minor' amendment, according to him, should not be accepted. In the first place, as you yourself know much better than I do, in the Criminal Procedure Code, section 417 is really a provision which is not to be found in the laws of any other country, except India. I read out yesterday from an annotated book and that point has not been replied to.

The second point is this. Kindly read section 417, the basis on which my hon. friend wants to proceed, and apply section 417 to this case and you will find that section 417 cannot apply. It only applies to orders against acquittal. In this case, you read through the whole Bill. There is no order of acquittal at all and there can be none, because no charge is framed. There is only an inquiry into certain allegations. That is the basis. Therefore, it is not an extension of section 417; it is merely an extension of something which does not exist. Therefore, section 417 does not apply. Then you have a long list of sections. Section 107 is there. There is section 108, section 109 and section 110. These are all preventive sections in the Criminal Procedure Code. Now the right is given to a person against whom an order for security is passed, but no right is given in the whole of the Criminal Procedure Code against an order not demanding security. Here there will be an order not demanding security. Is this appealable today? My friend says it is bound by the Criminal Procedure Code. When the Criminal Procedure Code for the

[Pandit Thakur Das Bhargava]

last so many years during which it has been in operation did not provide an appeal of this nature in regard to a preventive provision, I would beg of him to kindly consider that this is nothing but a preventive provision.

Under section 18 of the Act a man is not acquitted. The accused is called the respondent. You call this an inquiry and this is nothing but an inquiry. As a matter of fact, the real difficulty is this. My friend thinks it is a punitive measure. All preventive measures are not punitive. It ought not to be made punitive. If it is not punitive, it is a preventive measure, and I challenge my friend to produce any legal book in the world where an appeal of this nature is provided. No appeal can be provided. I will refer him to the Preventive Detention Act. What happened? Under the Preventive Detention Act also, as a matter of fact, security is taken by committing the man to prison. What happens? You appoint an advisory council. The advisory council goes through your allegations and after going through the allegations, it gives advice. That advice must be obeyed, according to the provision in the Preventive Detention Act. No appeal is provided against that advice. That is also a preventive measure. The hon. Minister himself was in charge of that Bill. He never suggested that there also there should be a provision put in like this. Therefore, I submit that so far as the analogy is concerned, it does not hold good. In 1910 and 1931 Acts such appeals by Government were never provided.

Then again, you will be pleased to know that in all preventive provisions there is one specific matter to which I would like to draw your attention. In Preventive measures, the balance is to be taken between the liberty of the individual who has not committed any offence, for whom a repetition of offence is provided against by the law and the social interests of the society which seeks to curb that liberty. An accused person, when he has committed an offence, is subject to law. So far as the preventive provision is concerned, a man is only prevented from committing any offence in his own interest as well as in the interest of society. The man's innate, divine nature is there, and there is *locus paenitentiae*. He may not commit the offence. Therefore, when you are putting in a provision against him, you are doing it in the interest of society. The balance should be there. The balance is that he should not be proceeded against vindictively. What would happen when the Sessions Judge disagrees with a particular jury? The papers go to the High Court and then the High Court can demand security. This is a preventive provision. If the jury goes wrong and the judge is right, then the High Court can set the matter right. But, when we have passed clause 4, I think, the judge is powerless. When the objectionable matter has been decided by the jury, the second matter does not come in, whether any security has to be taken from him or not. But, if the jury is right, then there is a provision. But if the jury and the judge both go wrong, there is no provision and my friends want to have a provision. My humble submission is, that in matters like this, no appeal should be provided for. It is absolutely wrong to provide for an appeal.

There are also other reasons, but, I am sorry, I cannot deal with them at this stage, because there is no time.

Shri Vallatharas: One point, Sir. The hon. Member was involved in the earlier debate .....

Mr. Speaker: Order, order. Apart from the hon. Member having a second speech, we have to finish the Bill by 2-30. I must give some time to the hon. Minister to reply and also for the third reading. If the House wishes to go up to 2-30 with this amendment, I have no objection. The

whole thing will have to be finished by 2-30.

Shri U. M. Trivedi (Chittor): It is a very interesting point.

Mr. Speaker: It may be a very interesting point, but the time of the House is equally precious.

Shri Sadhan Gupta: I am moving my amendment and I will make a speech of nine words.

I beg to move:

In page 2, *for* clause 5, *substitute*—

"5. *Amendment of section* 23, *Act LVI of* 1951.—In section 23 of the principal Act, for the words 'sixty days' the words 'six months' shall be substituted and shall be deemed always to have been substituted."

I want to extend the time for appeal.

Mr. Speaker: Amendment moved:

In page 2, *for* clause 5, *substitute*—

"5. *Amendment of section* 23, *Act LVI of* 1951.—In section 23 of the principal Act, for the words 'sixty days' the words 'six months' shall be substituted and shall be deemed always to have been substituted."

There are now three amendments, amendment No. 33, moved by Mr. Sadhan Gupta for extension of the time of appeal, Mr. Vallatharas's amendment and Mr. Sodhia's amendment.

Dr. Katju: I am very sorry I am unable to accept any of the amendments. The very moving appeal that was made by my hon. friend, Mr. Bhargava, is something abnormal. That is not well-founded. Inasmuch as this is a self-contained statute, therefore, we had to insert a specific provision for an appeal. The deep attachment and reverence to the Sessions Judge when he decides in favour of the accused, is not shown when he decides the case against the accused. If you love him, if you revere him, well, accept it both ways. If he decides against you, you go on appeal to the High Court and the highest tribunal and indulge in very strong language against the judge; but, if he decides in your favour, you say, 'look at the enormity of the Home Minister, he proposes an appeal to the High Court'. It is not an appeal to the Home Minister or the Executive authority but to the Judges of the High Court and it may very likely go to the Supreme Court with their independent authority.

One thing more has to be remembered. In these cases, there will seldom be opportunities for assessment of oral evidence. It all turns upon documentary evidence. Is it an incitement to violence, is it an incitement to murder?

Pandit Thakur Das Bhargava: Then why have a jury? Revert to 99A of Cr. P. Code.

Dr. Katju: Is it an attempt to seduce the Armed Forces from their loyalty to the State, and so on and so forth? Mr. Speaker, you have had experience and I have had experience—very very depressing experience—of how judges take different views. Therefore, I say, it is in the interests of everybody that there should be an appeal. I am not asking for any one to be hanged or imprisoned. What I am saying is, do these materials constitute objectionable matter within the four corners of section 3? It will be open to the High Court to say that this was a frivolous appeal and therefore award Rs. 500 to the respondent for costs. There is nothing to prevent them. If it is a good appeal, then there ought to be some security or some bond.

My hon. friends sometimes go to the length of referring to the Preventive Detention Act. Is it not joking with the subject? There, we constituted a special advisory board. The proceedings are all secret. No one knows how their mind works. They are not to deliver a judgment

[Dr. Katju]

or anything like that. My hon. friend said how reasonable I was that I would not propose an appeal against the advisory board to the High Court. The two things do not go together. My hon. friend there just now said that there is competent authority. They should not appeal. They are both saying the same thing. My hon. friend over there said that no one should appeal excepting the keeper of the press or the publisher or the Government. No third person should appeal. That is what is the substance of the Bill itself, namely, the competent authority or the person aggrieved should alone appeal. The person aggrieved will be the keeper or the publisher.

My hon. friend, Mr. Gupta, if he will permit me to say so, is rather unreasonable. Sixty days are there for appeal. He proposes six months. Why, nobody knows. As it is, the proceedings have been prolonged and protracted. Some fifty-four cases are pending. There is procrastination. For all these reasons, I oppose the amendments.

Mr. Speaker: The question is:

"In page 2, *for* clause 5, *substitute* '5. *Amendment of section* 23, *Act LVI of* 1951.—In section 23 of the principal Act, for the words 'sixty days' the words 'six months' shall be substituted and shall be deemed always to have been substituted."

The motion was negatived.

Mr. Speaker: The question is:

"In page 2, line 9, *for* 'the competent authority or any other person' *substitute* 'Any of the parties to the inquiry'."

The motion was negatived.

Mr. Speaker: The question is:

"In page 2, line 9,—

(i) *omit* 'The competent authority of'; and (ii) *omit* 'other'."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

New Clause 7.— (*Repeal of Ordinance 4 of 1954*).

Amendment made:

In page 2, *after* line 15, *add*—

"7 *Repeal of Ordinance 4 of 1954*.—The Press (Objectionable Matter) Amendment Ordinance, 1954 (4 of 1954), is hereby repealed."

—[*Dr. Katju*]

New clause 7 was aaaed to the Bill.

Clause 1.—(*Short title and commencement*).

Dr. Katju: I beg to move:

In page 1, *for* clause 1 *substitute*—

"1. *Short title and commencement*.—(1) This Act may be called the Press (Objectionable Matter) Amendment Act, 1954.

(2) It shall be deemed to have come into force on the 29th day of January, 1954."

The object of this amendment is to make it clear that the Act shall be deemed to have come into operation as from the 29th January 1954. That will also shorten the period of two years.

Shri K. K. Basu (Diamond Harbour): Withdraw it.

2 P.M.

Mr. Speaker: No interruptions. I shall put it to the House.

The question is:

In page 1, *for* clause 1, *substitute*—

"1. *Short title and commencement*.—(1) This Act may be call-

ed the Press (Objectionable Matter) Amendment Act, 1954.

(2) It shall be deemed to have come into force on the 29th day of January, 1954."

The motion was adopted.

Substituted clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri A. K. Gopalan (Cannanore): I have only to add a few words before the Bill is passed. I very strongly object to the passing of the Bill. In the discussion that has been carried on for the last two days, I was surprised to find that even the Home Minister several times said that the Bill is not aimed at any political parties, but at the same time he was also one among those who had been specially attacking the Communist Party. In the course of their speeches here, whatever Bill may be before the House, some hon. Members in this House turn their attention against the Communist Party, Russia, China, etc. Here, we have the Press (Objectionable Matter) Bill and it is aimed at only those papers indulging in certain types of offences as the Home Minister stated and I do not know why an hon. Member, after saying that he supported the Bill, began to attack the Communist Party, the policy of the Communist Party and talked about the 'slanders' or 'forgeries' of that Party. I respectfully submit that this is a legislative body, this is Parliament, where the Government is bringing forward several measures to see what the opinion in the country is in regard to them and what the Members have to say about them. At each time I find that the attack is being directed against the Communist Party and the countries I mentioned. The whole object of the discussion of the Bill is not on the main point that is cited by the Opposition and also by some Members on the other side, but to make allegations against the Communist Party. I do not want to answer the allegations, because they have already been answered before by the representatives of my Party. I am not going to deal with the allegations of forgery and slander against the Communist Party, and even if I answer them, I know the same allegations will be repeated.

There are two important matters which I wish to point out in connection with the Bill before us. The Home Minister said that it is not directed against any political party or against any section of the Press. We cannot believe that it is so. The fact is not so because we see what is being done in the country—it is all against our Party. I do not want to go in detail, but I would say this. I have brought a few publications which are sold in the railway stalls and I do not know whether the Home Minister has seen them or remembers to have seen them. In that literature there is incitement to murder, incitement to violence and so many other bad things. Here is an article 'Radio Love School' which is obscene literature. Here is another journal *True Confessions* which also contains sufficient literature on incitement to murder and violence.

Shri N. C. Chatterjee: May I know the countries they come from?

Mr. Speaker: Order, order. Let the hon. Member not be interrupted.

Shri A. K. Gopalan: These books and journals are allowed to be sold in the stalls at railway stations. But here I have got another set of books that are not allowed to be sold at railway stations or even kept there. I want to know whether there is anything in this book which creates or tends to create disaffection, murder or anything of the kind. Whereas certain sets of books which we should not even look into are being

[Shri A. K. Gopalan]

freely allowed to be sold at the railway book-stalls, another set of literature, dealing only with education and science, containing no pictures as is found in the previous set of books, is being prohibited. I want to know the reason for this discrimination. I have got both these types of literature with me now. I do not want to go into details, or take the time of the House. But if one were to compare, he will very easily find that while the first type of literature contains items of incitement to murder, the latter contains only items on education, science and agriculture. This is nothing short of discrimination. It is only political vindictiveness that is responsible for this sort of discrimination.

Let me also say, Sir, that this Bill is also actuated by political vindictiveness. When this measure is passed, it will certainly be directed against certain sections of the Press which the Government do not like. When there is such discrimination even in regard to sale of literature, we can easily understand the aim of Government in bringing forward this measure. It is only with a view to prevent certain political ideas reaching the people.

Mr. Speaker: We are running against time.

What time will the hon. Minister take for his reply?

Dr. Katju: About ten minutes.

Shri A. K. Gopalan: Every hon. Member who spoke from the other side, emphasised the fact that this Act would be used irrespective of the political colour of the paper. If that is so, why not use the ordinary law of the country? The ordinary law is there, and any of the offences enumerated in this measure can be proceeded against under it. Then, why this extraordinary law? The reason urged for the urgency with which this extraordinary law is being brought is that there is no freedom in the Soviet Union, there is no freedom in China: so let us have this Bill! What has it to do with the freedom in China and Russia? Speeches were made about dictatorship in Soviet Russia and lack of freedom in China. I ask in all seriousness: is it a valid and reasonable ground to proceed with this extraordinary measure here? We are not in a position to understand what is the emergent situation in the country. The hon. the Home Minister said there is danger. He will excuse me when I say that there is no danger to the country or to the people of the country, but there is a danger to the ruling party in this country and that danger is taking shape in some parts of India today. There is danger of the ruling party being overthrown. That danger is fast developing. I would say, Sir, that the object of the Bill is only to prevent that danger—of the ruling party being overthrown. On account of the actions of the ruling party that danger is taking practical shape. I say that by passing this Bill the Home Minister will not be able to eliminate that danger; on the other hand he will be adding to that danger. There is the ordinary law of the country and if there is any such paper, it can be proceeded against. What are the papers that he has shown? He has taken two or three words. I have no time to deal with it. I want to say that there are some papers in some parts of the country—I do not want to give the names of the papers—there are papers which watch the movements and write something. There are Ministers and officers who are afraid of such independent papers. It is they who have helped the administration in this country. The independent Press in this country has certainly safeguarded the liberty of the people because it is their writing, it is their vigilance that has safeguarded it. If the liberty is violated and strong words are used, there are the ordinary laws which the Government can at any time use. According to the number of cases that have come before us, we have seen that for the last many years, there are only very few cases. My submission is that there are no extraordinary circumstances here, no emergent situation today which wants this Bill and so this Bill should not be passed.

The next important point is this. Without any exception, even those papers that are supported by the Government, that never go against the Government, even those papers unanimously protested against this Bill. Even the *Hindustan Times* has protested against this. When all the papers that are sympathetic to the Government and always support the Government and never go against the Government policy, have said that they do not want this Bill, when the democratic opinion in the country is also against it and not only the opposition in this House but also the Members on the other side have stated that this Bill should not be passed, in spite of all this if this Bill is passed, I hope that this is the last black Bill passed by this Parliament. Let not this Government have long to pass such Bills again.

Dr. Lanka Sundaram: I rise to oppose this Bill. I had sat through 12½ hours of discussion not wishing to get involved in constitutional and legal arguments. The House will bear with me, if I may say so, that I am now speaking as a working journalist which I had been during the past twenty-five years and which I happen to be even today. I had the privilege of seeing from that gallery over there, for a period of ten continuous years, the battles royal fought between the late Bhulabhai Desai, late Satyamurthy, the late Jinnah against Craik, Maxwell and Mudie. I remember the historic occasion—in 1937, I believe—when standing from this bench, Mr. Satyamurthy, speaking for seven hours continuously, I think on the repeal of repressive laws. I say this because I have had the privilege of working in the gallery and as newspaper editor and proprietor.

[MR. DEPUTY-SPEAKER *in the Chair*]

My objections are five in number and before I read them—I will give them briefly—I must confess my profound sense of sorrow that such an elder statesman as my hon. friend, Dr. Katju, has no value for assurances given and promises made. I have no desire to waste the time of the House, but you will recall that at the time when the Constitutional Amendment Bill was under discussion, and also at the time when Mr. Rajagopalachari spoke in 1951, specific assurances were given—and I have got them recorded here—to the effect that this will not be a permanent measure. I regret to say that it is becoming a permanent measure; two years were never necessary for this. I am sorry that my hon. friend, the Home Minister does not believe or remember these assurances. If he is not prepared to respect the assurances given by his predecessor, God help this country.

Having said this, I will proceed to catalogue my objections to this Bill in as short a manner as possible. I consider this Bill to be a punitive measure. It is a measure which has put the Fourth Estate under duress. It is one continuous process of coming from behind, and not letting the quarry know when it will be pounced upon by the long arm of law. I am speaking from my experience of twenty-five years, not as a politician but as a journalist. Nobody objects to your swooping down on papers which make scurrilous attacks or which indulge in character-stabbing. I am completely in agreement that my hon. friend may proceed against them as he wishes to. But there is the ordinary law, the Indian Penal Code, to deal with this matter.

I have made an attempt to note down certain journals, at random, which have been proceeded against. Here they are: *Ujala* in Hindi, *Unmad* and *Masti* in Marathi, *Kalai-Nesan* in Tamil, and *Mulukola* in Telugu. I can go on listing them. I have no objection to Government proceeding against those papers that make scurrilous personal attacks or indulge in character-assassination. But that is not a reason why a Bill should be brought forward by which the entire Fourth Estate, the entire newspaper profession, is sought to be penalised. I consider that the newspaper profession in this country has had a most glorious record of public work. I happen to have lived abroad for

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about ten years and I know something about the functioning of the Press in other countries. I can say with a sense of pride that we can still trust the Press in this country, and the various professional associations which are setting up a high code of conduct and morality, for newspapers and even publications.

I will give my objections. I regret to say that the competent authority is going to be the district judge and jury. It is part of a very sly process by which Government is trying to introduce what the Frenchmen would call *droit administratif*. that is administrative justice. I have seen the manner in which *ad hoc* tribunals for labour and corruption cases, and advisory councils on preventive detention cases are being operated. Little by little the law of the land is being nibbled at, and special procedures and tribunals are being created. The provisions relating to the judge and jury business, against which my hon. friend Pandit Thakur Das Bhargava spoke so vehemently, and to my mind so convincingly, are not necessary.

The second objection is this. And I want the hon. House to bear with me for a few seconds. We have declared ourselves to be a Welfare State. Unfortunately it is fast becoming a Bureaucratic State. Neither Parliament, nor the State Legislatures, nor Ministers at the Centre or in the States are able to run the administration. Little by little every aspect of administration is being vested in the hands of bureaucrats. If I am not mistaken, as one having some experience of prosecutions in these news-papers, some small minion in the secretariat somewhere would decide that some action should be taken against such and such paper; and the whole machinery is geared up and finally prosecutions are launched. My hon. friend Shri Chatterjee has pointed out a case in Delhi where for three thousand rupees, thirty thousand was sought to be extracted as fine or security, whatever it was. I also know something about this case personally, because I have been a resident of Delhi for about twenty years. The mistake of a small man in office led to this debacle.

The third objection is this. I would have expected my hon. friend to go hammer-and-tongs against the press barons, the tycoons who are managing the newspapers in India. I know, and my friends know, that sons and sons-in-law of people in high places are being employed to screen the activities of these press barons. The case happens to be this. Thousands and thousands of small papers are really the beacon-holders and torch bearers of liberty in this country. This Bill will be utilised, as it has been said, against these small and independent papers which are now sought to be muzzled. This Bill in particular reminds me.—Mr. Deputy-Speaker, you were a very prominent Member in the old Central Assembly—this Bill reminds me of something like the Princes Protection Bill, seeking to protect bureaucracy, certain political parties and so on and so forth.

My fourth objection is this, and I want the House rather to be generous in following this argument. The vast majority of the weekly papers are printed on a job-printing basis in printing presses. As my hon. friend Pandit Thakur Das Bhargava said a little while ago—and also my hon. friend Shri Vallatharas—these are ordinary job works given to newspapers or keepers of the press. Now a vicarious punishment is sought to be made. I know a number of cases. I have been a publisher myself of newspapers and books, and I can tell you this. You are making these printers also responsible for the matter given to them for composition, which they cannot understand, about which, in any case, they cannot possibly do anything to control or determine. This I consider is most objectionable. I am sorry that the presses are being penalised under this law.

This is my last point and I have done. In England, United States of America, Iran, South Africa, Jordan, and other parts of the world, there is no provision for pulling up any newspaper for supposed criticism of the

head of a friendly State. They are proceeded against under the common law of the land. I do not see any reason why we should have this law and bring this question under the purview of this law.

I again repeat that the country is entirely with the Government for the removal of scurrilous literature, but is not in sympathy with the other provisions. When the counter-attack by the Press begins, God alone knows where the Government will be and the party in power will be. Anyway, I must say that the journalists have got a code of conduct and they are trying to evolve better codes day by day. My friend the hon. Minister is just shaking his hands in rotary motion.

Dr. Katju: I am hearing you.

Dr. Lanka Sundaram: Like the proverbial Tibetan you are now twirling your prayer-wheel, and I hope the prayer will not go unanswered.

Therefore, I submit, Sir, let not this mischievous law be enforced ruthlessly.

Dr. Katju: We have heard the last three speeches with great interest. Sometimes I think that words lose their meaning when they are used either by me or by hon. Members opposite. I always try to use the word in their commonly understood sense. I cannot understand how this particular Act would affect the 'working journalists'. Here it strikes the keeper of the press or the publisher of a particular newspaper. If the working journalist writes an article which is reprehensible and which constitutes objectionable matter, what would my hon. friend Dr. Lanka Sundaram ask me to do?

Dr. Lanka Sundaram: Proceed against him.

Dr. Katju: The point is this. I say plainly that I am a great admirer of the more responsible section of the Indian Press. It is not our intention to do anything to curb that press. We want to encourage it, because this being a प्रजा तंत्र (Republic). it is the function of all of us here, it is the function more of the Press not only to be the interpreter of public opinion, but also to be the educator of public opinion. It is not a question of party matter. You advocate policies within the limits of the law and express them strongly. I am not objecting to the form of expression or to the words that we use. But, in the definition of objectionable matter, my hon. friends have not attempted to deal with them, every single clause is a distinct section of the Penal Code and it constitutes criminal offences. Do they want that permission or latitude should be given to the newspaper world or to the journalists to broadcast them? My hon. friend Shri Gopalan said about discrimination in using the Act. He said: "you go to the railway station and you will find lot of unworthy books." I can only invite him, if he will, to do me the favour of writing to me. Any hon. Member here can write to me saying that such and such a book is obscene.

Mr. Deputy-Speaker: I am sure Shri Gopalan will pass on those books to you.

Dr. Katju: If he will only pass on those books to me I will see what I can do.

Shri N. C. Chatterjee: You also want to enjoy them.

Mr. Deputy-Speaker: What he says is that in the hands of young men, it will be dangerous.

Shri Joachim Alva (Kanara): May I say, Sir, that from now on there must be a drive against the obscene literature in the railway book-stalls and all such places?

Dr. Katju: My hon. friend Shri Gopalan has used a language which opens a great vista of thought before me. I thought I will give him an appropriate reply.

Shri A. K. Gopalan: We shall meet outside.

Dr. Katju: I want to close this instructive debate, because there has been great interchange of thought and

[Dr. Katju]

great interchange of ideas, on this note, namely, let the Indian Press be satisfied completely that their honour is our honour, their prosperity is our prosperity, and I say that it is a complete misuse of language to say that this Act is intended in any way to curb the activities of the Press. I wish to say that it is really intended for their benefit. (*Some Hon. Members*; Oh!)

Then my hon. friend Dr. Lanka Sundaram, in his own fashion, referred to this as a sort of administrative justice, the reign of bureaucrats, etc. But, we all forget that there is the learned Sessions Judge, learned and serious, who is sitting there to pronounce judgment and there is the appeal to the High Court. Where do the bureaucrats come in? Have the Sessions Judges and High Court Judges become bureaucrats?

Pandit Thakur Das Bhargava: And the summons case procedure also.

Dr. Katju: I think that is not a gathering of bureaucrats. I am reminded of a very famous saying of Dr Johnson:

> "May God grant us the gift of freeing our mind from cant."

Dr. Lanka Sundaram: You make a beginning.

Dr. Katju: We just use slogans: the Communist party or this party or that party or my party. As he said, let us free our mind from them and let us say plainly what we need. I know what they need; I can understand what Sardar Hukam Singh needs; I do not know what Dr. Lanka Sundaram needs.

Mr. Deputy-Speaker: The question is:

> "That the Bill, as amended, be passed."

The 'Ayes' have it.

Some Hon. Members: The 'Noes' have it

Mr. Deputy-Speaker: Will the hon. Members rise in their seats?

Some Hon. Members: No, division.

Mr. Deputy-Speaker: All right; division.

Certainly some time will be taken up by the hon. Members going to this lobby and the other. Whatever time we take will eat into the time allotted for the other Bills. There are three Bills which have to be disposed of today. I leave it to the House. If they want to stand, I will have to count their number. If they want to divide: whatever time is taken up, to that extent it will be less on the other Bills.

> "That the Bill, as amended, be passed."

The House divided. Ayes 185; *Noes* 49.

2-32 P.M.

Division No. 5

AYES

Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agarawal, Shri H.L.
Agrawal, Shri M. L.
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Asthana, Shri
Azad, Maulana
Balakrishnan, Shri
Balasubramaniam, Shri
Bansal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Bhagat, Shri B.R.
Bhakt Darshan, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhartiya, Shri S. R.
Bhatt, Shri C.
Bhonsle, Shri J. K.
Bidari, Shri
Birbal Singh, Shri
Bogawat, Shri
Boroosh, Shri
Bose, Shri P.C.
Brajeshwar Prasad, Shri
Brohmo-Choudhury, Shri
Chandak, Shri
Charak, Th. Lakshman Singh
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri T. S. A.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Dabhi, Shri
Damar, Shri

Damodaran, Shri G. R.
Das, Shri B. K.
Das, Shri K. K.
Das, Shri N. T.
Das, Shri S. N.
Datar, Shri
Deb, Shri S. C.
Dholakia, Shri
Dhulekar, Shri
Dube, Shri Mulchand
Dubey, Shri R. G.
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Elayaperumal, Shri
Gandhi, Shri Feroze
Gandhi, Shri V. B.
Gautam, Shri C. D.
Giri, Shri V. V.
Gounder, Shri K. P.
Govind Das, Seth
Gupta, Shri Badshah
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iyyani, Shri E.
Iyyunni, Shri C. R.
Jagjivan Ram, Shri
Jain, Shri A. P.
Jajware, Shri
Jayashri, Shrimati
Jena, Shri K. C.
Jena, Shri Niranjan
Jhunjhunwala, Shri
Joshi Shri Jethalal
Joshi, Shri M. D.
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Kajrolkar, Shri
Kakkan, Shri
Kasliwal, Shri
Katju, Dr.
Keshavaiengar, Shri
Khongmen, Shrimati
Khuda Baksh, Shri M.
Krolikar, Shri
Kolay, Shri
Krishana Chandra, Shri
Lal, Shri R. S.
Lallanji, Shri
Laskar, Shri
Madiah Gowada, Shri
Mahodaya, Shri
Mahtab, Shri
Majhi, Shri R. C.
Malliah, Shri U.S.
Malvia, Shri B. N.
Malviya, Pandit C. N.
Masuodi, Maulana
Metthen, Shri
Mehta, Shri Balwant Sinha
Metha, Shri B. G.
Mishra, Shri S. N.
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri Lokenath
Mishra, Shri M. P.
Mohd. Akbar, Sofi
Morarka, Shri
More, Shri K. L.
Mukne, Shri Y. M.
Muthukrishnan, Shri
Naskar, Shri P. S.
Nehru, Shrimati Uma
Neswai, Shri
Pannalal, Shri
Paragi Lal, Ch.
Parikh, Shri S. G.
Parmar, Shri R. B.
Pataskar, Shri
Petel, Shri B.K.
Petel, Shrimati Maniben
Patil, Shri Shankargauda
Prasad, Shri H.S.
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Subhag Singh, Dr.
Ramananda Tirtha Swami
Ramaswamy, Shri P.
Ranbir Singh, Ch.
Rane, Shri
Raut, Shri Bhola
Roy, Shri Patiram
Rup Narain, Shri
Sahu, Shri Rameshwar
Samanta, Shri S.C.
Sanganna, Shri
Satyawadi, Dr.
Sen, Shri P.G.
Shah, Shri R. N.
Sharma, Pandit K. C.
Sharma, Shri K. R.
Sharma, Shri R. C.
Shivananjappa, Shri
Shobha Ram, Shri
Siddananjappa, Shri
Singh, Shri D. N.
Singh Shri Babunath
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Singhal, Singh S. C.
Sinha, Dr S. N.
Sinha, Shri A. P.
Sinha, Shri K. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinhasan Singh, Shri
Somana, Shri N.
Subrahmanyam, Shri T.
Suresh Chandra, Dr.
Suriya Prashad, Shri
Tiwari, Sardar R. B. S.
Thomas, Shri A. M.
Tivary, Shri V. N.
Tripathi Shri K. P.
Tripathi, Shri V. D.
Tyagi, Shri
Uikey, Shri
Upadhyay, Pandit Munishwar Datt
Upadhyay, Shri Shiva Dayal
Upadhyay, Shri S. D.
Vaishnav, Shri H. G.
Viashya Shri M. B.
Varma, Shri B. B.
Verma, Shri M. L.
Venkataraman, Shri
Vishwanath Prasad, Shri
Wilson, Shri J. N.
Wodeyar, Shri

NOES

Achalu, Shri
Amjad Ali, Shri
Bahadur Singh, Shri
Banerjee, Shri
Barrow, Shri
Basu, Shri K. K.
Biren Dutt, Shri
Chatterjea, Shri Tushar
Chatterjee, Shri N. C.
Chowdary, Shri C. R.
Chowdhury, Shri N. B.
Das, Shri B. C
Deogam, Shri
Deshpande, Shri V. G.
Gadilingana Gowd, Shri
Gidwani, Shri
Gopalan, Shri A. K.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Hukum Singh, Sardar
Khardekar, Shri
Lal Singh, Sardar
Majhi, Shri Chaitan
Mascarene, Kumari Annie
Menon, Shri Damodara
Missir, Shri V.
More, Shri S.S.

Mukerjee, Shri H. N.
Nambiar, Shri
Nayar, Shri V. P.
Raghavachari, Shri
Ramaseshaih, Shri
Ramnarayan Singh, Babu
Rao, Dr. Rama
Rao, Shri P. R.
Rao, Shri Mohana
Rao, Shri Seshagiri
Rao, Shri T. B. Vittal
Reddi, Shri Eswara
Rishang Keishing, Shri
Shah, Shrimati Kamlendu Mati
Shakuntala, Shrimati
Singh, Shri R. N.
Subrahmanyam, Shri K.
Sundaram, Dr. Lanka
Swami, Shri Sivamurthi
Trivedi, Shri U. M.
Veeraswamy, Shri
Velayudhan, Shri

The motion was adopted.

TRANSFER OF EVACUEE DEPOSITS BILL

The Minister of Rehabilitation (Shri A. P. Jain): I beg to move*:

"That the Bill to provide, in pursuance of an agreement with Pakistan, for the transfer to that country of certain deposits belonging to evacuees, the reception in India of similar deposits belonging to displaced persons, and matters connected therewith, be taken into consideration".

Sir, this is a short and simple measure, yet a very welcome measure which brings a ray of hope to the refugees. It is the result of an agreement between ourselves and Pakistan. It is based on reciprocity. Pakistan has already promulgated an Ordinance which provides for the transfer of certain types of movable properties. We on our part promulgated an Ordinance to the same effect. This Bill is meant to give permanent effect to the provisions of that Ordinance.

Broadly speaking, the history of this Bill is something like this. In 1950, we entered into an agreement with Pakistan which provided for the transfer of deposits of the evacuees in the civil and revenue courts, deposits in courts under the Guardian and Wards Act and deposits of wards with the Court of Wards. In order to give effect to that agreement, it was necessary for both India and Pakistan to pass legislation. Ever since 1950 for three years we went on trying to persuade Pakistan to undertake the necessary legislation, but we could not succeed. Fortunately, as a result of the July/August 1953 talks between the representatives of India and Pakistan, it has now been possible for us to undertake the necessary legislation.

In order to understand the full import of this Bill, it would be necessary for hon. Members to look at the definition of the word 'deposit'. It consists of three parts: (1) any movable property in the custody of a civil or revenue court, (2) any movable property under the superintendence of the Court of Wards, and (3) any movable property in the custody of a manager under the Encumbered Estates Act.

This Bill provides that in the mass migration areas which are defined under section 4, where all the parties to a revenue or civil court deposit are evacuees, the deposits will be transferred to Pakistan. Similarly, where both the minor and the guardian are evacuees, the deposits will be transferred to Pakistan. In the case of Court of Wards, where the ward is an evacuee, the deposit will be transferred to Pakistan. On the basis of the reciprocal legislation passed by Pakistan, deposits of similar types in Pakistan will be passed on to India. Then, there might be certain deposits of this type in the mass migration areas where one or more of the parties may be evacuees, others may not be. In such cases, the Bill makes no provision for mass transfer and each case will have to be examined by the Custodian and the interests of the

*Moved with the recommendation of the President.

evacuee will be transferred to Pakistan. Again, it has been agreed to between us and Pakistan that there will be a similar provision on the other side.

In the case of non-agreed areas, that is areas where there has not been mass migration, each case will be examined on the merits and only the interests of the evacuee will be transferred to Pakistan.

A further provision in this Bill is that deposits which are received from Pakistan by the Custodian of Deposits here in India may be disbursed among the claimants either by himself or, if there is a dispute between the claimants about those deposits, they may be sent to the civil court, which will decide the rights of the respective parties and disburse the deposits accordingly. Naturally, the Custodian has been given certain powers which are necessary for settling the question of rights in the deposits which we receive. I hope that the House will realise that this is one of the few measures in which we have succeeded in coming to an agreement with Pakistan, which is both beneficial to the refugees here and refugees there also. The House will also realise that as this Bill is based on an agreement with Pakistan and the provisions of this Bill have received the concurrence of the Government of Pakistan, as the corresponding legislation which has been enacted by Pakistan has received our concurrence, there is no scope for any amendments in this Bill. We have taken good care to examine all the possible aspects of this legislation, and I dare say that to the best of our ability we have given effect to the provisions of the agreement. I do hope that this Bill will be implemented by Pakistan and ourselves in the spirit in which it has been agreed, because in the past, while there have been many agreements implementation has fallen short of them. Already, we have started collecting data on the basis of this Bill and Pakistan has issued similar instructions. Let us hope that the refugees here and on the other side will benefit by this Bill.

With these words, I commend this Bill for the consideration of the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to provide, in pursuance of an agreement with Pakistan, for the transfer to that country of certain deposits belonging to evacuees, the reception in India of similar deposits belonging to displaced persons, and matters connected therewith, be taken into consideration."

The whole Bill must be finished by 4-30 P.M. I will call upon the hon. Minister some twenty minutes before that.

लाला अचित राम (हिसार) : माननीय उपाध्यक्ष जी, इस बिल का मैं स्वागत करता हूं और न केवल हिन्दुस्तान की गवर्नमेंट को ही बल्कि पाकिस्तान की गवर्नमेंट को भी तहे दिल से बधाई देता हूं कि उन्होंने आज इस किस्म का एग्रीमेन्ट, गो तीन बरस बाद किया, लेकिन किया खास तौर पर जब कि अभी तक इम्मूवेबल प्रापर्टी पर कोई एग्रीमेन्ट अभी तक नहीं हो सका, ऐसी सूरत में ऐसा एग्रीमेन्ट होना बड़ी मुफीद चीज़ है जो कि रिफ्यूजीज के लिये हो सकती है। और इस बात का खयाल करते हुये कि अभी तक हमारे इस मुल्क के अन्दर कम्पेन्सेशन देने की जो मशीनरी है वह जोर से फंकशन नहीं कर रही है, जितने भी ऐसे मेजर्स हों जिन से रिफ्यूजीज को रिलीफ मिल सके, उन का स्वागत करना ज़रूरी है।

इस के साथ ही साथ जैसा मंत्री जी ने कहा कि यह मेजर रिफ्यूजीज के भले के लिय, इस में कोई शक नहीं है कि यह रिफ्यूजीज के भले के लिये है, इस लिये रिफ्यूजीज दृष्टिकोण को सामने रखना भी निहायत मनासिब बात है। रिफ्यूजीज हर ऐसे मेजर

[लाला अचित राम]

को इस दृष्टि से देखते हैं कि उसका पूरा फायदा किस तरह पर उन को हो सकता है। पाकिस्तान गवर्नमेंट और हिन्दुस्तान गवर्नमेंट ने भी जो कुछ किया है उस को सब रिफ्यूजीज वेलकम करते हैं। लेकिन एक दो बातें में कहना चाहता हूं।

यह बिल जो पेश किया गया है, उस के साथ एक फाइनेन्शल मेमोरैन्डम है और साथ में आब्जेक्ट्स और रीजन्स का स्टेटमेंट भी है। उस के अन्दर यह बात कही गई है कि इस बिल के पास होने के बाद कस्टोडियन मुकर्रर होंगे और इस के अलावा तीन असिस्टेंट कस्टोडियन मकर्रर होंगे। साथ ही यह भी लिखा गया है :

> "It is estimated that the tctal expenditure on the staff would be 95,000 during the year 1954-55."

तो यह जो खर्च है ९५,००० रु० वह कितना भी हो, चाहे दो करोड़ रुपया हो, कितना भी खर्च हो, यह बहुत अच्छी बात है। लेकिन मुझे इसे पढ़ कर थोड़ा शक सा गुजरा कि यह जो खर्च रखा गया है यह १९५४–५५ के लिये है, तो इस बिल के बनाने वालों की मंशा क्या है। क्या वह इस मामले को इस साल से परे भी जाने का खयाल करते हैं या इस को जल्दी खत्म करना चाहते हैं। चूंकि यह बजट १९५४–५५ के लिय है न कि तीन या छः महीन के लिये, इसलिय यह खयाल हो सकता है कि कहीं यह और आगे जाने वाला तो नहीं है। जहां तक रिफ्यूजीज के मेजर्स का सवाल है अगर आप फैसला भी कर लें कि रिफ्यूजीज को ५० करोड़ रुपया मिलेगा, लेकिन १९७० में मिलेगा तो इससे कोई मदद नहीं मिलती। जरूरत इस बात की है कि जो भी रिलीफ मिले वह जल्दी मिले। इस का इन्तजाम होना चाहिये। मैं महसूस करता हूं कि गवर्नमेंट के दिल के अन्दर यह खयाल होगा, लेकिन उस ने जो मेंजर पेश किया है, उसका खयाल करते हुये में गुजारिश करूंगा कि रिफ्यूजीज का इन्टेरेस्ट इस में जरूर है कि वह डिपाजिट मिले, लेकिन इस से ज्यादा जरूरत इस बात की है कि डिपाजिट्स जल्दी मिलें। इसलिये मैं कहूंगा कि अगर आप इस मामले को २, ४, या ६ महीने में खत्म कर दें तो ज्यादा अच्छा होगा। आप कोशिश करेंगे यह तो है, लेकिन मैं बड़ा खुश हूंगा अगर दोनों गवर्नमेंट मिल जायें और जब उन्होंने यह एग्रीमेंट किया है तो कुछ समय भी सेल्फ इम्पोज कर लें कि इस में चूंकि रिफ्यूजीज का सवाल है इसलिये इसको ३, ४ महीने में खत्म करना है। और अगर इतने समय के बाद मियाद बढ़ाने की जरूरत महसूस हो तो आप पालियामेंट के सामने फिर आ जाइये कि हमें २ या ४ महीने की और जरूरत है। मैं देखता हूं कि जब मेरी जेब में ५० रु० पड़े होते हैं तो मैं उन को जल्दी जल्दी खर्च करने की सोचता हूं, लेकिन जब मेरे पास ४ आने ही होते हैं तो मैं बहुत सोच विचार कर और देर में उसको खर्च करता हूं। इसलिये आप को चाहिये कि आप पहले एक समय मुकर्रर कर लें और अगर फिर भी वह खत्म न हो तो दुबारा मियाद बढ़ा लें। हम सब तो यही चाहते हैं कि यह काम जल्दी से जल्दी खत्म किया जाय। यह तो मुझे पता नहीं कि एग्रीमेन्ट के अन्दर यह चीजें हो सकती हैं या नहीं, कि हम तीन महीनों में इस काम को खत्म करेंगे, लेकिन हो सके तो हमें ऐसा जरूर करना चाहिये। रिफ्यूजीज के इन्टरेस्ट का खयाल रखते हुये आपको आस्टेरिटी आफ टाइम जरूर कर लेना चाहिये।

इस के बाद अब मैं रिफ्यजीज के दिल की बात कहूंगा। मेरा खयाल है कि उसको भी आपके सामने मुझे रखना चाहिये क्योंकि मुमकिन है कि आपके सामने यह मामला

न आया हो । जैसे आप देखते हैं कि हम कम्पेन्सेशन की बात करते हैं और आमतौर पर हम कहते हैं कि १० परसेंट हम देंगे, पांच परसेंट हम देंगे । और बड़ा जोर लगा कर हम २० परसेंट पर आते हैं । लेकिन रिफ्यूजीज के लिये एक एक पैसा भी बड़ी चीज है । मुझे यह ख्याल आता है कि यह जो डिपाजिट्स हैं उन को पड़े हुये सिविल कोर्ट्स में और रेवेन्यू कोर्ट्स में ६ साल से ऊपर हो गये हैं, और आठ या दस साल हो गये हों तो कोई ताज्जुब नहीं है । जो डिपाजिट्स हैं भी वह गवर्नमेंट के पास हैं। इस गवर्नमेंट के या पाकिस्तान गवर्नमेंट के । इसलिये कोई नहीं कह सकता कि जो रुपया है वह वैसे ही पड़ा हुआ है । तो जिस तरह से आर० एफ० ए० का मामला है, उन को रुपया देने की बात हुई और कहा गया कि हम ब्याज जरूर लेंगे । मैं तो यह नहीं कहता हूं कि आप ब्याज न लें, लेकिन १ परसेंट लें ।/मुझे मालूम नहीं कि एग्रीमेन्ट के अन्दर आपने इस बारे में कुछ किया है या नहीं लेकिन उन का जो रुपया है, उसका उनको ब्याज मिलेगा या नहीं ? वैसे तो आप गवर्नमेन्ट में हैं, जितना चाहेंगे ले लेंगे, लेकिन मैं रिफ्यूजीज की ओर से कहता हूं कि अगर आपने रिफ्यूजीज से ६ बरस के अन्दर ३ परसेंट भी लिया तो जोड़ कर १८ परसेंट हो गया । इस को छोड़ दिया जाय। रिफ्यूजीज की तरफ नेकनीयती होने के ख्याल से तो बड़ी भारी बात होगी । आपका पाकिस्तान का एग्रीमेन्ट हुआ है । आप कहेंगे कि हमें पाकिस्तान गवर्नमेंट को देना पड़ेगा । उनका रुपया इस्तेमाल किया है । लेकिन क्या आपने रिफ्यूजीज का रुपया इस्तेमाल नहीं किया है जो कि उसके पास था । तो यह कोई ऐसी बड़ी बात नहीं है । मैं बहुत छोटी सी बात कह रहा हूं कि इस को कर दिया जाय, मैं समझता हूं कि आपकी नजर के सामने जो गरीब आदमी हैं, रिफ्यूजीज हैं उनकी क्या हालत है । वह आकर मुझसे कहते हैं कि हम क्या करें । मैं कहता हूं कि जाओ मंत्री के पास । आज मैं ने कहा कि चूंकि बिल पेश है इस वास्ते आज इस को न उठाओ। और वह अपने घर चले गये । वह अक्सर मेरे पास आते रहते हैं । गरीब आदमी हैं, उन के लिये दो पैसा बड़ी चीज होती है । इसलिये अगर यह नामुनासिब हो तो न किया जाय, लेकिन अगर आप इसे मुनासिब समझें, और मुनासिब यह है ही मेरी दानिश में, तो आप इसका प्राविजन कर लें । आपको उन को कुछ न कुछ पैसा देना ही चाहिये ताकि गरीब आदमियों को कुछ आराम मिल सके ।

मैं इस से ज्यादा नहीं कहना चाहता । आखिर में मैं आपको बधाई देता हूं कि आप ने यह काम किया । सिर्फ यह है कि इस को जल्द से जल्द किया जाय ताकि उन्हें रिलीफ मिले ।

3 P.M.

Shri Gidwani (Thana): Sir, I welcome this Bill, as its object is to salvage our property, though in a very very limited measure, which will go to help a number of displaced persons here as well as victims of partition even on the other side. The hon. Minister said that he expects that Pakistan would implement the agreement, though it has been his experience in the past that many a time Pakistan has not implemented some agreements, or has only implemented them partially. Apart from Pakistan implementing it, I would invite the attention of the House to the fact that even our Government sometimes takes time to implement the agreements which have been arrived at. I refer to an agreement which was made in 1950 about movables of evacuees which were of a perishable and deteriorating nature. They were disposed of by the respective Custodians in India and Pakistan. I was shown the list about two years ago and I was asked to

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publish it in Indian language papers. It was published. I also know that a cheque was received from Pakistan. But I do not know whether that money has been disbursed even up-to-date. I have been receiving many telegrams and many people have approached me. I do not know what is the hitch, or what is the difficulty about the distribution of the amount which has been received here. It has now taken more than two years to disburse that amount.

Shri U. M. Trivedi (Chittor): Earning interest!

Shri Gidwani: In regard to the other agreement also which was recently arrived at regarding household goods, I find from the Press note issued by Government that our Government suggested to Pakistan Government that both the Governments should agree to the proposal that income-tax clearance certificates should not be demanded from the evacuees from the other country to seek restoration of the movable properties. The House is aware of the fact that nobody can leave Pakistan unless he produces an income-tax clearance certificate. I find from the press note issued by our Government that they insisted that this should be agreed to. Pakistan had not agreed at that time. I do not know whether they have agreed to it now. If Pakistan does not agree, then it will be difficult for any displaced person from here to go there and bring anything here. So unless this restriction is removed, the object of the agreement would be defeated.

The third thing which I want to bring to the notice of the hon. Minister is about other categories of movable properties. I have gone through the press note issued by Government which says "The questions relating to bulk transfer of lockers and safe deposits, restoration of properties of non-evacuee joint stock companies and payment of compensation where properties of joint stock companies have been acquired by Government and the release of shares, securities, debentures and insurance policies held in banks were examined and discussions will be resumed in the near future." No agreement was arrived at about this category of property. Many people have been anxiously waiting to receive particularly deposits in lockers and some of the jewellery and ornaments that they have left there. It is now more than six and a half years. Even at the last meeting of the officers of the two countries in Pakistan no agreement could be arrived at. Of course, our Government is always anxious to see that an agreement is made; but on the other side there is always some hitch, some reluctance and the matter goes on being postponed from day to day, from year to year and today we are where we were six and a half years ago.

As regards settlement of the immovable property, it is said in the press note that the problem of urban and agricultural property was discussed between representatives of the Governments, but no decisions were arrived at. The matter would be further discussed. You will see that on major categories of properties the value of which really run into crores, no decision has been so far arrived at; it is only in connection with the small categories, which also, as I said at the beginning, is welcome, Government should see that all efforts are made to come to early agreement on immovable urban property. If in the present context of things no agreement is possible, then unilateral action should be taken because there are certain persons—a large number of displaced persons—who cannot wait any longer. Both movable and immovable properties are linked. I would earnestly appeal to the Minister to see that this matter is settled early. If it cannot be settled, then wherever unilateral action is possible it should be taken

so that our displaced persons can be rehabilitated early.

About personal and household property and buried treasures, an agreement has been arrived at. But people really do not know what orders have been issued. Efforts should be made to see that every displaced person comes to know about the detailed instructions and they get every facility of filing applications here. Otherwise, if they are asked to send their applications to Pakistan it will cause great hardship to them. I do not know the exact machinery that has been set up, and what is the exact procedure. The procedure should be simplified so that every displaced person comes to know easily about these. It is not by publishing it once in the Government Gazette or any papers that people come to know. Our experience is that many people are illiterate; not only are they illiterates, they are also dispersed all over the country in the smallest villages. Therefore, this information should be given not once but a number of times so that every displaced person who can take advantage of this facility may conveniently do so.

Sardar Hukam Singh (Kapurthala-Bhatinda): In all seriousness I thought whether I might join my friends in congratulating our Government and the Government of Pakistan as well for arriving at this agreement, but I must admit that there is some obsession in my mind so far as Pakistan's intentions and their doings are concerned. I may be wrong but I must at the outset say it frankly. I must not deceive myself. I think I should say what is in my mind and how I feel about the agreement that has been entered into.

So far as the particular clauses of this Bill are concerned, we have no quarrel with them. They are of course the result of an agreement and we cannot change a comma, or full-stop here or there and we will be bound by them. Government has entered into that agreement with a foreign country and it should be a matter of gratification, as the Minister observed, that this is one of those few agreements that we have been able to come to with Pakistan. I wish he could have enlightened us on other matters as well where we could agree.

So far as my impressions are concerned, in every negotiation we have failed; in every agreement we have lost. Whenever there was an opportunity, Pakistan has only accepted that much which it thought to be to its advantage and never agreed to implement or even to agree to portions where it thought it might go against the interests of that country.

This morning, I saw one agreement being implemented. There was a batch of about 1300 people, Muslims, coming to Saharanpur to be settled and it was put down in the headline that it was in pursuance of that agreement of 1950—Nehru-Liaquat Pact. Certainly, I was surprised not because they were coming—I would welcome them—but to ponder, within myself, whether there was such a pact existing and whether we really have any pact which is being implemented when I saw those headlines. But in my file, just attched to that agreement which I sought to find out, there was another agreement, trade agreement. There I found the statement of Mr. Neogy when our jute had been held up by Pakistan. And what he said appealed to me most, because he agreed with my feelings. He said:

> "The trade agreement which both countries accepted only a few months ago as the basis of their mutual commercial relations is thus being honoured by Pakistan only to the extent of receiving its full monthly quota of coal".

Exactly that is my feeling. It is that part which benefits Pakistan

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and to that extent only Pakistan would implement an agreement. And that was what Mr. Neogy said at that time.

Even subsequently—though it may not be relevant—the other day we had a debate on the recovery of abducted women. We could not dwell on it in detail, but I have that information that even those ladies that have been returned to us by Pakistan were given to us out of the camps where they had already been located and very few had been recovered from the persons who had abducted them.

In other agreements also, if I were to go into those agreements, certainly I would be able to persuade my friends to accept that Pakistanis have never cared to implement any agreement that they have entered into. Whatever may be the terms of the agreement, they are not so material as the actual implementation and the intention to perform the part that is laid on that country. So here as well, my apprehensions are that this agreement would also be implemented in the same spirit in which other agreements have been implemented. We have certain very good intentions. We have expressed our hopes as well. I also pray to God that our hopes may be realised. Nobody would be more glad than myself if we could realise them. But the very initial suspicion that is lurking in my mind makes me doubtful whether this agreement is going to bring us any benefit.

It has taken three years, it has been said, to come to this agreement—not this agreement; it is only, I should say, the repetition or ratification of that, whatever we might call it. It was reached originally in 1950. Now our representatives went to Pakistan in 1953, spent about a month or so there, and they have brought back this agreement with them, jubilant that they have at least this satisfaction that there is an agreement. They ought to be congratulated. They must have conveyed to the Prime Minister also that they have achieved something. It may be an achievement for them or a satisfaction for our Government that at least there is some point where we have reached that agreement. And let us hope that there will be further points as well. But when we find that this legislation is only a part of the agreement that was reached and when we go into that agreement itself then we feel disappointed at achievement of our representatives. I find that it is to our disadvantage. I do not know how this would be worked. It was better if we had got those figures about our assets and as to what would be our liabilities. I even now request our hon. Minister whether he could give us any idea about the assets that our Custodian has got and the assets that the Pakistan Custodian has got. Has any assessment been made? There may be other factors that may not be ascertainable at all. Now when I come to the Agreement, I am afraid the Agreement begins in category A and that is about immovable property. Of course, as was natural, no decision was arrived at. This is what we are told, and no decisions could be arrived at, because they had made no secret of their intentions. They have said that unless the Kashmir problem is settled there cannot be any settlement of evacuee property.

An Hon. Member: Quite honest.

Sardar Hukam Singh: Of course, we must give them credit for that. They are always honest. But, then, simultaneously they have said that this aid from United States of America would facilitate the solution of the Kashmir problem. Therefore, both things combine.

Shri Pataskar (Jalgaon): Even if Kashmir problem is solved, there will be other problems.

Sardar Hukam Singh: After the one that we have at present, there may be others. They want to settle them all by armaments. This is what they say. Therefore, we cannot hope that any solution would be found out or any agreement would be reached so far as this evacuee property is concerned. Our Government is looking towards Pakistan, and after a certain time of negotiation it is found that it has become disappointed and frustrated. They are much too clever for us. They give a hint that they are prepared to discuss the whole thing again. Then we have to wait for another year or so. This sort of thing continues, God alone knows for how long it will continue.

But, leave aside this immovable property. We are at present concerned with the movable property that has been agreed to. I find in the Agreement on movable property:

> "It is agreed that all steps necessary will be taken for the expeditious implementation of the items referred to below in accordance with the provisions of the Movable Property Agreement and Implementation Instructions......"

I am glad to find that instructions have been issued to the Custodian General, Custodians and to everybody concerned, that they should prepare lists of assets and be ready to hand over everything to the representative of Pakistan living in Delhi. That is what is provided there. My fears are that everything would be done on our side. We will prepare those lists, we will hand over those properties and for articles that we cannot export, we will turn them into cash. We will do everything possible. My fears are that there would be no response. There would be no reciprocity. We would not get those things which we expect and hope. This is not idle talk that I am indulging in. I can quote instances one after the other which would go to support my allegations. In 1949, the Government of Pakistan wrote to the Government of India to restore a race horse of a Hyderabad princess who had migrated to Pakistan. India replied that she was prepared to do it provided there was reciprocity. Pakistan said, yes, there is no harm, send the horse to us, there will be reciprocity. Everything was agreed. Our Government sent a schedule of only one farm, the Bahadurgarh farm in my district. Claim was laid for Rs. 30 lakhs. For two years. there was silence; no reply at all. Then the reply came that the farm is being run by the Agriculture Department, and that compensation would be paid. They put an arbitrary value of Rs. 82,000. Cattle valued at Rs. 30 lakhs were valued by the Pakistan Government authorities at Rs. 82.000. Our Government and the owner of the farm said, very well, if we could get this much, that is also good. Then we addressed the Pakistan Government, let us have Rs. 82,000 which you say is its worth. The reply was, it has been acquired for rehabilitation purposes and the case would be put up before a Joint Committee in view of the Agreement of July, 1950. We will see what happens to it.

There is another case. There is an eminent lawyer in Delhi. He had a library of considerable value. He tried to get it back. He was lucky enough to get the recommendation or whatever you may call it; the Governor-General of Pakistan and the Governor of West Punjab wrote down on the file that this should be returned. It is a fact that that library is with a lawyer living in his residence and is intact. The reply came that there is not a single book available there and that there is nothing that they can return.

Pandit Thakur Das Bhargava (Gurgaon): The registers containing the entries may be lost.

Sardar Hukam Singh: Everything would be done. So far as recovery

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of buried treasures was concerned, in 1952, one Pakistani took away Rs. 50,000 from a buried treasure in Paharganj. So far as our claim was concerned, there was one gentleman who had 500 tolas of gold lying in the Wazirabad treasury. He has got the receipt of that treasury. That is not being returned. In the face of such instances, one feels diffident as to whether by such agreements we would be able to get something or it is only delusion and the samething would continue.

One of my friends here told me yesterday that out of one lakh of rupees, we may get something. If out of Rs. 50 lakhs or one crore, they give us one lakh, of rupees, that may be distributed among the refugees. Let us be contended even with that. Because our Government is proceeding with that, I said, all right, I have no quarrel with you, I certainly sympathise with you. My hon. friend Shri Gidwani looks to me; he was the gentleman who told me. That is our state of mind. Even an eminent man like Shri Gidwani thinks that if we could even get this much for our refugees, that would be something and we should not grudge it, and we must allow this Bill to be passed. If that be the idea, certainly, I would also join in applauding the Minister and congratulating those who have entered into that agreement. Let us proceed resigning our fate to God: what happens, we do not know.

One or two items I might mention here about the agreement that I was talking of. It surpasses my comprehension how people could ever agree to such an agreement, with Pakistan. My idea is that those who went there had absolutely no idea of what the facts are. They were ignorant of the realities of the situation. My hon. friend the Minister will kindly excuse me if I have to use these words, but I am pained really to read the contents of this agreement. Is it an achievement? I say it is a matter of disgust when I read it. I am moved when I go into it. It refers to "movable properties lying with Custodians or friends or relations". Good God, have we got any friends or relations there? Would it be possible for any of our citizens in India to get anything. Then, it is said if any Indian coming from West Pakistan has a relation in Pakistan with whom he has left some property, he can get it. Do we honestly feel so? I ask the gentlemen who entered into this so-called "reciprocity" agreement: would this not be a one-way flow to Pakistan of the assets here? Would it not deplete that evacuee pool which is a trust with the Government? It is a breach of trust that has been committed by entering into this agreement.

Then there is mention about property lying with the Custodians. I cannot say about the whole of West Pakistan, but this is my experience of my own town, and it must be so in other places. I was still in Pakistan when properties from our houses were looted. The assets were taken away, most of them were removed. The Deputy Commissioner of Police, Montgomery, broke open certain locks of rich citizens there to get hold of the movable properties in their houses. What was done subsequently I do not know. What was done with the property that was taken away by the Deputy Commissioner himself, I do not know, but so far as the other properties were concerned, a very strong drive was undertaken by the Pakistan Government to recover all those properties, and Pakistanis were told that they could keep back 10 per cent. of the looted property—that was allowed—but they must return 90 per cent. for the development of Pakistan. Most of the property was recovered from those looters and put into the common pool for the development of

Pakistan. It has never gone to the Custodians there.

May I enquire whether those who entered into the agreement ever cared to find out if there was such property? May I ask whether there is any provision by which, if the major portion of the movable property is not in the hands of the Custodians, we shall still be able to get something? Would it not be a one-way traffic, and we shall have to give, and give out of the pool that is sacred with the Government, that is to be distributed to the refugees who are still living in hopes that they will get something out of it? May I enquire whether this was just and fair, whether still the officers think that they have got something by the agreement? May we hope that we will get anything out of it?

Instructions have been issued that it must be implemented forthwith. We have not been supplied with the facts. I wish our hon. Minister had said something about this agreement as well. He has confined himself to the provisions of the Bill alone, but that does not stand isolated from the agreement, because it is in pursuance of the agreement that we are passing this legislation. Implemestation of other provisions do not require the sanction of any legislation, and because these two things are in the courts, it is necessary that legislation should be passed.

Then it was remarked that Pakistan was also proceeding in a similar way. But have the Government satisfied themselves that the Pakistan Ordinance is in similar terms?

Shri A. P. Jain: Yes.

Sardar Hukam Singh: Have they satisfied themselves that Pakistan has issued instructions to its Custodians?

Shri A. P. Jain: Yes.

Sardar Hukam Singh: Have they any idea of the assets there are with the Custodians? Could we know, in all humility, its percentage in relation to what we have got? I want to know it from the hon. Minister, whether Pakistan will consider the suggestion made by the Government of India in respect of the following point. A suggestion has gone from our Government through the representative that we sent there, that there should be no restriction on the removal by evacuees, of cash or bullion, to the other country. I may be wrong in my conclusion, but I would like to be enlightened whether these words really mean what they are intended to mean. At present, this is a suggestion, but I would like to know from the hon. Minister whether Pakistan has condescended to agree to it,.........

Shri C. D. Pande (Naini Tal Distt. *cum*—Almora Distt.—South West *cum* Bareilly Distt.—North): Has been pleased to accept it.

Sardar Hukam Singh:......or has been pleased to accept the suggestion that we made, or whether they have rejected it, or no reply has come from them.

Pandit Thakur Das Bhargava: If there were an agreement and a will to give they would have pounced upon it, and agreed to take everything.

Sardar Hukam Singh: When we made this suggestion to Pakistan, we should know whether they have been pleased to accept it or not, or whether they have rejected it. At least that much we should know now, for we shall be able to satisfy ourselves that Pakistan has rejected it, or not.

Shri U. M. Trivedi: The Chair cannot compel the hon. Minister to disclose all those things.

Sardar Hukam Singh: I am not going to that extent.

An Hon. Member: There is no answer to that question.

Sardar Hukam Singh: There are other aspects of this Agreement that really upset me. But I may be called

[Sardar Hukam Singh]

to order by the Chair on the ground that I am taking the whole time in discussing this Agreement and the legislation before the House, though this Bill is restricted only to two items of the Agreement. But whether I discuss this Agreement for one hour or two hours, it will not bring us any consolation. Now that an agreement has been reached, we are expressing hopes that it should work—though I am sure, it would not, and the only result will be that we would be giving a few lakhs of rupees which Pakistan will enjoy, and there will be nothing beyond that. I am helpless, and I cannot do anything except to bring it to the notice of the hon. Minister that he should satisfy himself, before sending any assets from here, and before doing anything that might deplete our evacuee pool, that the Agreement is being implemented on the other side.

श्री वी० जी० देशपांडे (गुना) : उपाध्यक्ष महोदय, इस विधेयक के विषय में मेरे दोस्त, सम्माननीय मित्रों ने पाकिस्तान की सरकार को और हिन्दुस्तान की सरकार को बधाई दी है। मुझे बताया नहीं गया कि बधाई देने का समय आया है या नहीं, मैं अभी इतना ही कहूंगा कि बधाई देने में बहुत जल्दबाजी नहीं करनी चाहिये। हमारे मराठी में एक कहावत है कि धूर्त आदमी के यहां भोजन का निमंत्रण आये तो भोजन करने के पश्चात् उस को सच्चा मानना चाहिये उसी तरह से खास करके पाकिस्तान के साथ जब आपका समझौता होता है तो बधाई देने में बहुत जल्दी नहीं करनी चाहिये। मैं समझता हूं कि जिस प्रकार से आज तक पाकिस्तान का और हमारा व्यवहार चल रहा है उसको देखने के पश्चात् भी हमारी सरकार आशा करती रहती है और उसको निराशा होती है। हमारे अर्थ मंत्री बड़े साक्षेपी हैं, बड़े काशस हैं। उन की सावधानता के बावजूद भी हमने देखा कि दो वर्ष पहले उन्होंने ९ करोड़ रुपया बजट में रखा। दूसरे साल उसको १८ करोड़ रखा। वह मिला नहीं, तो अब तीसरे साल उन्होंने फिर ९ करोड़ रखा है। हमारी आशा अनन्त है, पाकिस्तान की तरफ से हमारी आशा का कभी भी अन्त नहीं होता, यह हम देखते हैं। इसी के कारण पाकिस्तान की और हमारी मैत्री इस प्रकार से चल रही है। आज तक मैं समझता था कि हमारे प्रधान मंत्री की आशा बड़ी अनन्त थी और वह कहा करते थे "दैट ग्रेट नेबरली स्टेट आफ पाकिस्तान" "वह पड़ोसी पाकिस्तान का महान राष्ट्र"। हमारे हृदय में आज भी उन के लिये बहुत प्रेम होते हुये भी काश्मीर का विचार करते हुए हमारे प्रधान मंत्री कहते हैं कि बदली हुई परिस्थिति में, बदले हुये संदर्भ में परिवर्तित संदर्भ में, हम को काश्मीर के बारे में, दूसरी तरह विचार करना चाहिये। हम देख रहे हैं कि पाकिस्तान में किस तरह की बातें चल रही हैं, पाकिस्तान अमेरिकन एड ले कर शायद हिन्दुस्तान के ऊपर आक्रमण करे। प्रधान मंत्री ऐसा नहीं कहते, वह कहते हैं कि दुनियां में बड़ी क्रान्ति होगी, अशान्ति होगी, इसलिये वह नाराज हैं। लेकिन मैं समझता हूं कि शायद लड़ाई होगी। तो उसी के साथ एक हजार से ज्यादा पाकिस्तान के लोग सहारनपुर में आ रहे हैं कि जो १९४७ में यहां से गये थे। इस सम्बन्ध में मैं पूछता हूं कि वहां से यहां आने वाले लोगों में से कितने लोग आपने कराची में भेजे, कितने लाहौर में भेजे।

एक माननीय सदस्य : सात हजार आये।

श्री वी० जी० देशपांडे : सात हजार आये, मैं समझता हूं कि यह बहुत बुरी बात है। ये हिन्दुस्तान के राष्ट्रीय हैं या नहीं, मुझे पता नहीं। शायद पाकिस्तान की

राष्ट्रीयता, नैशनैलिटी, उन को मिली होगी। मैं तो कहूंगा कि यह सात हजार की फौज हिन्दुस्तान पर आक्रमण करने को आ रही है। यह मैं कहना नहीं चाहता, लेकिन भय के कारण मुझे ऐसा कहना पड़ता है। हमारी भारत सरकार की जो नीति चल रही है उस को देखने के पश्चात् यह बातें कहनी पड़ती हैं। इसलिये मैं गवर्नमेंट को बधाई नहीं दे सकता, जिस तरह से कि औरों ने इस विधेयक के लिये बधाई दी है।

यह जो विधेयक हमारे सामने आया है, इस के सम्बन्ध में मैं, उपाध्यक्ष महोदय, आपके सामने बड़ी नम्रता के साथ निवेदन करता हूं कि हमारे एक मंत्री के पीछे दूसरे मंत्री इस सदन के सामने विधेयक लाते हैं और उसका जो संशोधन करना चाहते हैं, तो वह इस तरह हमारे माननीय हाउस को सरप्राइज से लेते हैं, वह सदन को आश्चर्य में डाल देते हैं, जैसे कि हम परीक्षा देने के लिये एग्जामिनेशन हाल में जाते थे तो फिर देखते थे कि पेपर में क्या आ जाता है, आज कौन सी टाल्मी की थ्योरम आ गई या ऐसी चीज आ गई कि जो अब तक पढ़ी नहीं थी। तो इस तरह यह आक्षेप मैं माननीय मंत्रियों के लिये करना चाहता हूं। मैं माननीय मंत्री को एक बात और कहना चाहता था कि आज जो व्याख्यान में बातें बताई हैं वह एक व्हाइट पेपर में हमको दी जाती तो अच्छा था। लेकिन माननीय मंत्री महोदय ने मेरे उस आक्षेप को भी निकाल दिया, क्योंकि भाषण म भी उन्होंने कुछ नहीं कहा कि यह समझौता क्या है, एग्रीमेन्ट क्या है। खास कर के हमारे माननीय मित्र सरदार हुक्म सिंह जी ने यह बताया कि हमको पता नहीं कि हमको पाकिस्तान से कितना पैसा मिलेगा और पाकिस्तान को यहां से कितना पैसा जायेगा यह बात अब तक हमको नहीं मालूम होती तब तक गिडवानी साहब जैसा समझते हैं उस तरह की आशा के लिये भी कोई स्थान नहीं रहता। वहां से आने वाला पैसा थोड़ा हो तो यह भी नहीं होना चाहिये, क्योंकि हमारे लोगों का पैसा वहां ज्यादा था। फिर इनकम टैक्स वगैरह का भी हमको पता नहीं और यह भी नहीं होना चाहिये कि इस वजह से उन का पैसा कम किया जाय। यहां का पैसा ज्यादा चला जायेगा तो जो फंड रिफ्यूजीज के लिये यहां है वह कम हो जायगा : यह हुआ तो मैं समझता हूं कि इवैक्युईज को जो आशा दिलाई गई थी इस इन्टेरिम कम्पैनसेशन के बारे में, आगे आने वाले मुआवजे के बारे में, तो उसका भी खतरा पैदा हो सकता है। इसलिये यह हमारे रिफ्यूजीज को, शरणार्थियों को, वरदान न होते हुये एक श्राप हो सकता है। इस कारण मैं समझता हूं कि यह विधेयक हम तब तक स्वीकृत नहीं कर सकते।

यह तो ठीक है कि आपका और पाकिस्तान का समझौता हो गया है, आपने हमारे हाथ बांध दिये। हमारे हाथ बांधने के बाद फिर आपने इस को आर्डिनेन्स के जरिये बरताव में भी लाना शुरू कर दिया है। अब आपका बहुमत है, आप इस को स्वीकार करा लें, लेकिन हमको इन कारणों से स्वीकार नहीं हो सकता। हम अन्तर्राष्ट्रीय मामलों में कुछ ज्यादा विरोध भी नहीं कर सकते, लेकिन यह हमारे दिल की जो बात है वह हम जरूर कह सकते हैं। इसलिये हमारा कहना है कि यह हो सकता है कि इस विधेयक के द्वारा हिन्दुस्तान का और गरीब शरणार्थियों का फायदा होने के बजाय उन का नुकसान हो। इस के बारे में हम को पहले मिनिस्टर साहब की तरफ से फिगर्स मिलने चाहियें। आगे चल कर डिस्प्लेस्ड परसन की और इवैक्युई की जो यहां पर व्याख्या की गई है इस से भी मेरे दिल में बड़ा डर पैदा हो रहा है।

[श्री वी० जी० देशपांडे]

१९४७ के बाद जो कोई यहां से चला गया होगा उसको आपने रेफ्यूजी ठहराया है। हमने जो Restoration of Evacuee Property Act पास किया था उसमें Intending Evacuee के बारे में बहुत से बंधन लगाये थे और दो साल के अन्दर जो कोई इममूवेबल प्रापरटी का कारोबार होता है उस के बारे में भी हम ने बंधन लगाया था, कोर्ट को भी पावर थी और उस के अन्दर कस्टोडियन को भी हमने पावर दी थी। अब जिसकी मूवेबुल प्रापरटी है और जो यहां से चला जाता है उसको हम इवेक्युयी डिक्लेयर करते हैं, उसका पचास हजार रुपया कोर्ट में डिपाजिट है, तो वह आज अगर उठ कर पाकिस्तान में चला जाता है तो उसका पैसा आपको इस कानून की रू से भेजना पड़ेगा, उस पैसे को यहां भारत में रोक रखने के लिये हमारे पास कोई साधन नहीं है, और दूसरी तरफ पाकिस्तान में हमारा कछ है नहीं, बहुत थोड़े इने गिने लोग हैं, इस कारण उधर से आने वालों को कोई बहुत फायदा नहीं हो सकता है, हां इधर से जाने वाले लाखों और करोड़ों रुपये लेकर जा सकते हैं। इस के अलावा यह भी बंधन लगाया था कि हम माहवार इतना भेज सकेंगे, इस प्रकार के बहुत से बन्धन लगाये थे, इस बिल में इस प्रकार का कोई बंधन न होने के कारण यह कानून एक खतरनाक और नुकसान देह चीज हमारे देश के लिये साबित हो सकता है। बहुत ज्यादा इस विषय पर मैं बोलना नहीं चाहता हूं लेकिन इस सदन के सामने मेरे हृदय में जो इस के विरुद्ध एक शिकायत है वह रखना चाहता हूं। मालूम होता है कि पाकिस्तान से हमारा जो व्यवहार हो रहा है उस बर्ताव में पाकिस्तान से हमारे सम्बन्ध मैत्रीपूर्ण हैं और एक समझौते से काम चल रहा है यह दुनिया को बताने के लिये कहीं छोटी छोटी बातों में हम शायद कोई ऐसी चीज न कर बैठें, जैसा कि सरदार हुक्म सिंह ने बतलाया कि इस आशा में कि वहां पाकिस्तान से सोना और पैसा लाने देंगे, यहां से करोड़ों रुपये भेजने की इजाजत आप इस एग्रीमेन्ट की रोशनी में दे दें, यह डर और आशंका मैं मंत्री महोदय के सामने प्रकट करना चाहता हूं और मैं तो चाहता था कि मंत्री महोदय हमारे सामने सारे फीगर्स और आंकड़े रखते। खैर यह बिल तो अब पास ही हो रहा है, मैं आशा करता हूं कि हमारी सरकार के पाकिस्तान के साथ जितने भी एग्रीमेन्ट हुये हैं वह सदन के सामने रखे जायेंगे और सदन को उन पर विचार करने का अवसर मिलेगा। मेरी समझ में मंत्री महोदय के पास फीगर्स जरूर आये होंगे कि उधर कोर्ट्स में कितना रुपया जमा है, आप पता लगा सकते हैं और अपने देश के डिपाजिट से मुकाबिला कर के देख सकते हैं कि अगर वहां की फीगर कम है तो आपको वहां पैसा भेजना है या नहीं और सब से बड़ी बात हमारी सरकार को यह भी देखनी है कि इस एग्रीमेन्ट के फलस्वरूप पाकिस्तान की तरफ से पैसा आता है या नहीं, आया है या नहीं, यह सब देखने के बजाय हमारे मंत्री लोग कहें कि हम तो सात्विक हैं, हम बड़े नीतिमत्ता के पुजारी हैं, पाकिस्तान कुछ भी करे, हम तो जो उचित और योग्य है उसे अवश्य करेंगे और किसी की नहीं मानेंगे, इस तरह से एक गुस्से में आकर ऐसी बात कह कर हिन्दुओं का नुकसान और अहित न करें, बस इतनी ही मेरी आपसे प्रार्थना है।

Shri U. M. Trivedi: Sir, it appears that the whole House is one in this respect that there is entire distrust of Pakistan so far as we are concerned. And, with this distrust working on our minds, it will be quite hypocritical to say to the world that we still believe

in Pakistan. We must be very frank—as frank as the Pakistanis are—and we must tell them that we do not trust them. When two citizens of the same State enter into a contract, then we have got the provision that if that contract is broken, you can approach a court of law and that court of law will decide and enforce the contract as against the party committing a breach and in favour of the party for whom it is meant. But, what is this contract? It is merely a unilateral thing. I do not want to praise ourselves, but, we Hindus, have always been weak and tolerant, one of the banes of our country has always been that we have been tolerant and we continue to be tolerant and will continue to be so. What do we do here as good fellows? We say, we are prepared to give you and you take it. But, there is nothing for us to impose upon the other party that he should also return that which is our due. This sort or unilateral agreement or unilateral enforcement of agreement we have experimented upon in the Abducted Persons Recovery Act, the working of the Administration of Evacuee Property Act and also the trade agreements. They must open our eyes once for all that we cannot trust a nation which has never observed any of the rules of decency or rules of a civilised country.

If that is so, there seems to be no purpose in making this law. If we were honest, straightforward, and strong enough to impose our terms, then why have we left out of the definition all those moneys, all those properties, that may be lying buried, lying with the banks, or lying with the officers? Why should they not be allowed to go and take their property and bring it back? The Administration of Evacuee Property Act only applied to immovable property; it never applied to movable property. In this Bill, we have limited it to movable property in the custody or under the control of a civil or revenue court in respect of any proceedings before it and to movable property in the supervision or custody of a court of wards for the time being in force. These limitations are too many.

We know that Sindhis were the richest persons living in India. They were the richest traders. Of all the various towns, it is said that only in the towns where the Sindhis lived there were millionaires and multimillionaires. Even Bombay was not considered as rich as certain towns of Sind. Millions of rupees were lying buried. Are we able to get back that money? The definition as it has been put here nullifies it. I know that my apprehensions are not wrong. I know your apprehensions too, but you have to make a show of believing persons whom you ought not to believe. Therefore, you say that we may be able to get it. But I say, we are not going to get it. We are not going to get even those deposits or those securities as defined here. Therefore, when we are attempting to pass a legislation, some material ought to have been placed before us. The hon. Minister as a representative of an honest and civilised nation is anxious to show to the world that we are prepared to do our part of the agreement. I cannot reprove him for that. But thinking of the past, keeping in our mind the actions of the other Government with whom we are dealing, would it not have been proper to place all the facts before the House in the shape of a White Paper and wait till the law is made there? Give us the law. Let us have a look at it. The hon. Minister says they are making the law. We do not know if it has been made. We have not seen it.

Shri A. P. Jain: It has been made. An Ordinance has been passed. We have got a copy of it.

Shri U. M. Trivedi: I take it that what you say is correct. But the House should know that such a law has been passed. I know you must have verified. You are the Minister and if you say that it has been passed, we shall accept it. But even then the House will accept that our relations with Pakistan have not been such as to infuse any enthusiasm in us.

Shri A. P. Jain: There is a clear mention in the Statement of Objects and Reasons, which says, "The Government of Pakistan has also taken action to implement the agreement between the two countries by promulgating the Transfer of Evacuee Deposits Ordinance, 1954."

Shri Raghavachari (Penukonda): The Ordinance may not be followed up by legislation. That danger is there.

Sardar Hukam Singh: There is no need for legislation here.

Shri U. M. Trivedi: When an Ordinance of this nature has been passed there, the only accusation that could be made was that we were lagging behind. There was nothing else that could be said. Let that Act be passed and let it be placed before the House.

The very recent occurrences must not be forgotten or lost sight of. We see that our relations with Pakistan are getting strained. In however nice and diplomatic language you may talk, you cannot forget that our relations with Pakistan are not what they ought to be between two good neighbours. The Partition itself is the result of the acrimonious designs on the part of Pakistan, and such being the position, it is up to us to see that this piece of legislation will not deprive us ultimately of certain deposits from which we may be able to reimburse the poor refugees. Those who have come here as refugees—I do not call them a burden—are no doubt welcome and it is due to them that we have today attained *swaraj*. We have attained independence by sacrificing them and it is therefore up to us to do the utmost that we can do for them. It is incumbent upon us to exert ourselves to the utmost in order to prevent the flow of any money from this country into Pakistan.

बाबू रामनारायण सिंह (हजारीबाग पश्चिम) : उपाध्यक्ष महोदय, जो विधेयक अभी संसद में विचारार्थ है उस के सम्बन्ध में अगर विस्तारपूर्वक कहा जाय तो बहुत कुछ कहा जा सकता है। लेकिन अभी आप जानते हैं बहुत समय नहीं है। दुर्भाग्यवश जिस समय से पाकिस्तान की सृष्टि हुई है इस सरकार में और पाकिस्तान सरकार में न जाने कितने एग्रीमेन्ट हुए उनका कोई हिसाब नहीं है। और जब जब यहां कोई बात आती है तो हमारी सरकार के मंत्री या और लोग बार बार यही कहते हैं, जहां तक मुझे याद है, पहले गोपालस्वामी आय्यंगर भी कहा करते थे, और अब ये लोग भी कहते हैं कि क्या करें। पाकिस्तान सरकार हमारी बात नहीं मानती। सभापति महोदय यह भी कहा जाता है कि जैसे वह करते हैं वैसे ही हम भी करें। सीधी बात तो यह है कि यह ठीक है कि हमें हर सूरत से यह कोशिश करनी चाहिये कि जिस किसी व्यक्ति से या समाज से, राष्ट्र से, हम कुछ शर्त शरायत करें, उस के मुताबिक हमको चलना चाहिये। इस में कोई शक या शुबहा नहीं होना चाहिये। न किसी को सन्देह करने की जगह ही है। लेकिन इस के साथ साथ इतना खयाल भी होना चाहिये कि दूसरे से भी हम उसी शर्त शरायत के मुताबिक काम करा सकें। यह केवल कह देना कि हमको ही ठीक रहना चाहिये यह ठीक नहीं है। सभापति महोदय, ऐसे लोगों के लिये समाज में जगह नहीं होनी चाहिये। यह तो मैं मानता हूं कि हमको ठीक रहना चाहिये, लेकिन इस के साथ साथ हम में इतनी ताकत होनी चाहिये कि जिस से भी हम को सरोकार हो, उस को हम ठीक रास्ते पर ला सकें। मैं ने एक बार पहले भी कहा था कि जब सरकार कहती है कि पाकिस्तान हमारी बात नहीं मानता, न माने, तो कम से कम सरकार में इतनी अक्ल होनी चाहिये कि हमको किस से शर्त शरायत करना चाहिये। सो नहीं, शर्त शरायत करने में युधिष्ठर बनेंगे, हम जितनी भी शर्त शरायत

होंगी सब का पालन करेंगे, वह करे या नहीं, और यहां आकर जवाब देना कि हम क्या करें, यह मेरी समझ में नहीं आता । सभापति महोदय, उदारता और मूर्खता में ज्यादा फर्क नहीं पड़ता है । उदारता तो हो, यह बहुत खुशी की बात है, लेकिन दुनियां में रहने के लिये कुछ अक्ल भी होनी चाहिये । मेरे कहने का मतलब यह है कि वे लोग ठीक रहें, ईमानदारी से काम कर दें, शर्त शरायत के मुताबिक, यह हमारे लिये आनन्द और गौरव की बात है । लेकिन यह भी निश्चय होना चाहिये कि जो शर्त शरायत हों दूसरे से भी उन को पूरा करवायें । अगर यह ताकत न हो तो कम से कम इतना तो होना चाहिये कि उन से और कोई एग्रीमेंट न हो, और कोई शर्त शरायत न हों, उन का साथ छोड़ दें । आप सुन रहे हैं कि पाकिस्तान का क्या हाल है । अभी कल ही प्रश्न हुआ था जिस के उत्तर में बताया गया कि पाकिस्तान की पुलिस हमारे दो आदमियों को पकड़ कर ले गई । इधर सुलह भी हो और उधर यह सब बातें होती रहें, यह तो दिमाग में नहीं आता ।

मैं तो इतना ही कहूंगा कि इस तरह के प्रस्ताव, इस तरह के विधेयक आप न लावें, और न इस को पास करें । इस को ठीक बनाकर लाइये और जो मैं कह रहा हूं उसका ध्यान रखिये । अगर इतना हिसाब न करेंगे तो मैं कहूंगा, जैसे कि लोग कहते हैं कि पाकिस्तान सरकार इस के अनुसार नहीं चलेगी । मैं कहूंगा कि इस से सरकार को बाज आना चाहिये । यह कभी न होना चाहिये कि जो एग्रीमेंट हो उसको हम तो पूरा करते जायें लेकिन उधर से इस के बारे में कुछ न हो । यह बात जनता के हित में नहीं है । इसलिये मैं इस विधेयक का विरोध करता हूं । मैं मंत्री महोदय से कहता हूं कि वे ऐसा बिल न पेश करें क्योंकि यह आपके ताकत की बाहर की बात है । आपकी ताकत यदि बढ़ गई हो तो, दूसरी बात है । हालांकि आपकी ताकत बढ़ कैसे सकती है, उसने तो नई ताकत पैदा कर ली है, अमरीका से सुलह कर लिया है अगर आप में इतनी ताकत हो कि शर्त शरायत को पूरा करा सकें तो कराइये ।

उपाध्यक्ष महोदय : जवान में ताकत नहीं है, बूढ़े में है ।

बाबू रामनारायण सिंह : अगर यह ताकत हो तो खुशी की बात है, लेकिन वह देखने में नहीं आती । मैं इस विधेयक का विरोध करता हूं और मैं कहता हूं कि संसद् के सभी सदस्यों से कि इस तरह की सरकारी बात को नहीं मानना चाहिये । इस बात को तो जहां तक हो सके रद्द ही कर देना चाहिये ।

Shri S. C. Samanta (Tamluk): Mr. Deputy-Speaker, Sir, I wholeheartedly support the Bill that is before the House. There are misgivings in the minds of many of my hon. friends. But as practical men we should think in practical terms. We want to give some benefit to displaced persons who are amongst us. This we try to do to the best of our ability.

4 p.m.

Sir, going through the Bill, I think there will be many movable things which can immediately be adjusted between the two Governments. From practical experience we know that in many cases whatever moneys they possessed are still in the banks, post offices, insurance policies, etc. and are still hanging in the balance. It would have given much benefit to the distressed displaced persons if they had got them in time. I must here refer to one instance.

One lady with her daughter came from East Pakistan. She had all her only Rs. 572 in postal savings bank in Eastern Pakistan. Her daughter, when she came here, was eighteen years old. Here, they were a burden to a distant relative. The mother was

[Shri S. C. Samanta]

very anxious to give her daughter in marriage. The only property that she could call hers was that much money deposited in the P. S. bank. She settled everything for the marriage of her daughter and for want of money it could not be done up till now. I approached the hon. Minister for Communications and he has been kind enough to give her Rs. 500 on condition that the money will be adjusted when it will come from East Bengal. Such are the things. When this Bill is being presented here, we are glad but at the same time I would request the Government to see towards Eastern Pakistan where also these things are to be handled. With the request that Government should give immediate and proper thought as regards movable things left in Eastern Pakistan. I again support this Bill.

Shri A. P. Jain: I must confess that I was not at all surprised at the wide scope which the debate assumed this afternoon; a scope not germane to the objectives of the Bill. In fact the whole of the relationship of India with Pakistan has been discussed. The entire movable property agreement has also been discussed. This bill relates to certain types of movable properties and in a way that discussion is relevant because after all, this Bill is a part of the wider agreement. But I think for the purpose of the debate on this Bill, we should primarily concentrate ourselves on the provisions of this Bill and see if it is beneficial to the refugees or not.

I do not propose to deal with the larger aspects of the debate, namely, the relationship between India and Pakistan. It is true that there have been many unhappy episodes. But we have entered into an agreement and in dealing with its provisions, we should approach with an honest intention. There is nothing more fatal to the successful working of an agreement than to approach it with reservations. That does not mean that we should go ahead like blind persons and only do one-sided implementation. The implementation has to be two-sided but our approach must be honest with a view to fulfil the objectives of the agreement.

An objection has been raised that I have not given figures of the deposits with the courts and courts of wards etc. on this side, and the other side. In the first place, these figures are not available; some figures are available but not the whole of them.

These figures will have to be collected on either side. But to look at the agreement from that narrow point of view would be totally wrong. When an agreement is entered into, there may be some items in which one country gains and there may be other items in which the other country gains.

Pandit Thakur Das Bhargava: As a part of this agreement, is there an agreement on other matters also, for instance cash, etc.?

Shri A. P. Jain: Yes.

Pandit Thakur Das Bhargava: Will they also be given effect to?

Shri A. P. Jain: Not in this Bill.

Pandit Thakur Das Bhargava: Otherwise?

Shri A. P. Jain: Yes

Now, Sir, you cannot find any international agreement anywhere on the face of the earth which is only a one-sided affair. Therefore, to criticise a single item as being beneficial to us or to Pakistan would be a totally incorrect way of looking at the matter. What some of the hon. Members here have said is this: let us see whether we are going to get more from Pakistan than what we would give to them—in other words, we should not pass this Bill if we have to pay more. I am not in a position to say exactly what will be the position, although I think that, judging from the general economic conditions of the people who have come to this side and of those who have gone to the other side, we should on the whole stand to benefit. But when we say that we should only implement this part of the agreement if we get

more from them, then they can also take up a similar attitude and say "No agreement on this item because we have to pay you more". That would be a vicious way of looking at the matter.

Sardar Hukam Singh: They are often proceeding on that assumption.

Shri A. P. Jain: The proper way of looking at this agreement is whether refugees on this side are having their due, and whether refugees on the other side are having their due. Judging this agreement from that point of view I think it is a wholesome agreement.

My friend Shri Samanta has cited a case. And that is the only way of looking at the thing. I know also of some cases, at least of one in which a widow has come to me, who has left vast properties worth lakhs of rupees in court of wards. She came to me to ask for some money for the marriage of her daughter. It was difficult for me to give her loans for that purpose; there was no provision. In fact I helped her somehow. The proper way of looking at this agreement is from the point of view of that widow who retrieves or salvages her property, and not by way of any kind of recriminations or attack upon Pakistan from this side or that side. In fact, we should approach this agreement with all the goodwill and implement it in an honest way. And we should at the same time see that Pakistan correspondingly implements the agreement.

A few things have been said with regards to certain aspects of this Bill, and I will mainly confine my remarks to those few things. My friend Shri Achint Ram said that the early implementation of the Bill is of great importance. I fully share his feelings. In fact we have already started the implementation of the Bill as far back as 22nd January, 1954, even before the Ordinance was passed: we issued instructions to State Governments and to the other authorities concerned to collect the relevant figures. Similar instructions have been issued by Pakistan. And according to the instructions issued by us and Pakistan, all these figures are to be collected by the 31st of March.

I think that is quite a business-like and expeditious way of doing things. I am hopeful that if things progress as I expect them to, at least the items covered by this Bill would be implemented within the financial year 1954-55.

There were a few other points raised, for instance one about the delay in the payment of some money to the refugees which we received from Pakistan. Shri Gidwani made a complaint that some money has been received from Pakistan by the Government of India, but the same has not been disbursed. I do not know what particular item he had in mind but I take it that he refers to an item of three and a half lakhs which we received from Pakistan.........

Shri Gidwani: Yes.

Shri A. P. Jain: That sum was received by us on account of the deposits from the sale proceeds of certain movable property. Incidentally I might here say that this gives a denial to what Sardar Hukam Singh said that there are no deposits with the Custodian. In fact, we have received some money in the past and we hope that when that part of the Agreement is implemented, we shall receive more. So far as that particular money is concerned, three lakhs out of three and a half lakhs belonged to a party by name Ganesh Kopra Mills. We subsequently received a communication from Pakistan that there was no amount due to that mill and therefore, this amount should be returned to them. We have not returned that money, but as soon as the dispute is settled, the money will be properly disbursed.

Sardar Hukam Singh: Is it the hon. Minister's assumption, or...

Shri A. P. Jain: Shri Gidwani also referred to the income-tax clearance certificate. It is true that Pakistan has not agreed to forgo the income-tax clearance certificates altogether, but has agreed that for the time being the existing exemption applicable to temporary visitors for a period of three months may continue, and if it is found that it gives rise to difficulties then the matter would be considered later. At any rate one cannot have his whole way in international matters. I think that so far as income-tax clearance certificate is concerned, the present arrangement meets with our wishes to a fairly large extent.

I do not think that any other serious objection has been raised against this Bill and I conclude with the hope that it will be possible for Pakistan and ourselves to implement this Bill and to open a new and better chapter.

Lala Achint Ram: What about my point as to whether the refugees will be given interests on their deposits?

Shri A. P. Jain: There is no provision. In the case of court deposits there is never any provision for interest and as such this Bill makes no provision.

Lala Achint Ram: The Government was getting interest and why not they pay it to the refugees?

Shri Gidwani: What about the other items amounting to Rs. 50,000?

Mr. Deputy-Speaker: The question is:

> "That the Bill to provide, in pursuance of an agreement with Pakistan, for the transfer to that country of certain deposits belonging to evacuees, the reception in India of similar deposits belonging to displaced persons and matters connected therewith, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments to this Bill. I will put all the clauses to the vote of the House.

The question is:

> "That clauses 1 to 14, the Title and the Enacting Formula stand part of the Bill".

The motion was adopted.

Clause 1 *to* 14, *the Title and the Enacting Formula were added to the Bill.*

Shri A. P. Jain: I beg to move:

> "That the Bill be passed."

Mr. Deputy-Speaker: Motion moved.

> "That the Bill be passed."

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, इस बिल के बारे में जो बहस में ने मिनिस्टर साहब की सुनी उसके मताल्लिक़ इधर से या उधर से किसी किस्म का कोई ऐतराज नहीं किया गया। जो कुछ उन्होंने जवाब दिया वह जवाब भी इतना माक़ूल है कि उस पर हम कोई ऐतराज करनें के क़ाबिल नहीं हैं। हम में से कोई भी एतराज नहीं करना चाहता, जहां तक हमारे कांस्टीट्यूशन का सवाल है, कांस्टीट्यूशन में दर्ज है कि जितने इंटरनेशनल एग्रीमेंट्स होंगे और उन के इम्पलीमेंट करने में और जो फ़ारेन पालिसी होगी, उस के बारे में हमारे कांस्टीट्यूशन में निहायत अच्छी बातें दर्ज हैं और अपने जवाब में उन्हीं को हमारे आनरेबल मिनिस्टर साहब ने दुहराया है और इसलिये मैं उन का स्वागत करता हूं। लेकिन जनाबवाला, कितने ही हम इन्टरनेशनल एग्रीमेंट्स करें और कितना ही हम अपनें कांस्टीट्यूशन को याद करें, यह बात किसी आदमी से छिपी नहीं है और किसी के दिल से यह चीज हटने वाली नहीं है कि जहां तक हमारे ताल्लुक़ात

पाकिस्तान के साथ रहे हैं वह इस किस्म के नहीं रहे हैं जिन से हमें कोई एक ज्यादा उम्मीद पैदा होती हो। सच तो यह है कि मैं मिनिस्टर साहब को मुबारकबाद देता हूं, उन असहाब को जो एग्रीमेंट करते रहे हैं उनको दू, किस बात का मुबारकबाद देता हूं, मुबारकबाद इस बात के लिये नहीं कि उन्होंने पाकिस्तान के साथ एक समझौता कर लिया, बल्कि उनकी पेशन्स के लिये, उनकी पेशन्स इनफ़िनिट हो गयी है और उनकी औप्टीमिज्म भी मिलैंकली औप्टीमिज्म हैं। मैं आपको बतलाऊं कि जिस वक्त यहां हिन्दुस्तान और पाकिस्तान का झगड़ा उठा, तो वहां से उनके सेक्रेटरी आये और उन के साथ हमारे सेक्रेटरी बैठे और सेक्रेटेरियट लेविल पर हिन्दुस्तान और पाकिस्तान के बीच एक एग्रीमेंट उस कांफ्रेंस में हो गया, जब पाकिस्तान वाले एग्रीमेंट करने के बाद भारत से वापिस गये और श्री जिन्ना के हुज़ूर में उसको पेश किया और बतलाया कि हमने भारत के साथ यह एग्रीमेंट कर लिया है तो जिन्ना साहब ने फरमाया कि तुम पाकिस्तान को मार्टगेज करना चाहते हो जो यह फैसला कर आये हो, वह दिन है और आजका दिन है पाकिस्तान ने कभी भी इममूवेबुल प्रापरटी के एक्सचेंज करने या मुआवज़ा देने की कोशिश तो दूर खयाल तक नहीं किया। हिन्दुस्तान में जिस वक्त एग्रीमेंट हुआ था, हिन्दुस्तान के लीडर्स ने यह सोच कर कि किसी तरह पाकिस्तान के साथ समझौता हो जाय अपने क्लेम्स को इतना छोटा कर दिया था ताकि पाकिस्तान उस को अदा कर सके, लेकिन क्या नतीजा हुआ ? यहां पर मूवेबुल प्रापरटी का ज़िक्र आता है, मैं अदब से पूछना चाहता हूं कि पाकिस्तान के अन्दर दुकानदार कौन लोग थे, पाकिस्तान में अनारकली के बाज़ार में आप जानते हैं कि हमारे हिन्दू दुकानदारों की दुकानों में करोड़ों रुपये का माल भरा हुआ था, उसका क्या हुआ, जितनी मूवेबुल प्रापरटी पाकिस्तान के अन्दर रह गई थी, उसका मुआविज़ा किस को मिला है ? एग्रीमेंट हो जाने से क्या फायदा जब दूसरी साइड उसको इम्पलीमेंट न करे। मैं पूछना चाहता हूं कि हमारे लोगों का वहां के खजानों में जो रुपया पड़ा हुआ है, सेफ्स में रुपया पड़ा हुआ है जिस के डिटेल में कोई झगड़ा नहीं हैं वह हमें वापिस कर दिया जाय, क्योंकि यहां से कोई भी पाकिस्तान उसको लेने के लिये जाने को तैयार नहीं होता था, लेकिन हमारा रुपया वापिस नहीं किया गया। मुआहिदा तो हुआ, कि बैंकों में जो रुपया पड़ा हो वह भेज दिया जाय, लेकिन मैं पूछना चाहता हूं कि आज तक वहां से क्या मिला और कितने सेफ डिपाज़िट्स वहां से मिल पाये हैं ? क्या मुझे बतलाया जायेगा कि कितने आये हैं और कितने अब तक वहां पड़े हुये हैं ? मैं चाहता था कि एक मुआहिदे के जितने टुकड़े हैं सारे मुआहिदे को "एज ए होल" इम्पलीमेंट किया जाय। मुझे यह देख कर बड़ी खुशी हुई कि चलो हमारे श्री अजित प्रसाद 'The Transfer of Evacuee Deposits Bill, 1954' पेश कर रहे हैं और उन को भी इस बात का इतमीनान हो गया होगा कि इस एग्रीमेंट को पाकिस्तान भी इम्पलीमेंट करेगा, उन के दिल में भी यह बात होगी, वैसे हमारे मिनिस्टर चाहे हवाई बातें करें लेकिन मैं जानता हूं कि वह भी उसी तरह सोचते हैं जैसे हम सोचते हैं, हमारे मिनिस्टर कुछ हम से बहुत ज्यादा दूर नहीं हैं और उन को भी इस बात की उम्मीद होगी कि जब हम इस एग्रीमेंट को इम्पलीमेंट कर रहे हैं, तो हमको भी वहां से हमारी बहुत चीजें वापिस मिलेंगी।

लेकिन जब मैं ने बिल को पढ़ा तो मैं समझ गया कि इस बिल में कहां तक सच है। बिल के अन्दर इन सब चीज़ों का कोई

[पंडित ठाकुर दास भार्गव]

जिक्र नहीं है जिसका मुआहदा किया गया था। अगर पाकिस्तान की नियत साफ है, हमारी नियत तो साफ है, मैं बतौर नानआफिशियल मेम्बर के कहता हूं कि हम एग्रीमेंट को पूरी तरह से निभाना चाहते हैं। हम नहीं चाहते कि हम इन्टर्नेशनल एग्रीमेंट कर के फिर उस को न निभायें, हम राइचुअसनेस को छोड़ने के लिये तैयार नहीं हैं, भले ही कोई अपनी राइचुअसनेस को छोड़ दे, लेकिन जो चीज मैं कहना चाहता हूं वह यह है कि हमने ऐब्डक्टेड फीमेल्स के लिये मुआहदा किया और २००० के करीब हमारी औरतें मुसलमान ऑफिशल्स के घरों में पड़ी हुई हैं, उन में से कितनी वापिस आई ? बहुत कम। मैं इस मुआहदे के लिये कहना चाहता हूं कि अगर पाकिस्तान ने मुआहदा किया है तो उस को ईमानदारी से पूरा करे। अगर मुझे कुछ नहीं करना है तो मैं कहूंगा कि रजिस्टर ही फट गया, हम किस चीज को कहां देखें ? यहां कोई एन्ट्री ही नहीं है।

आनरेबुल मिनिस्टर साहब का यह खयाल था कि यहां के आदमियों का रुपया वहां बहुत पड़ा है। यह बिल्कुल दुरुस्त है। लेकिन कोर्ट्स के अन्दर रुपया किसका होता है ? जो लोग कि अमीर होते हैं। जो लोग यहां से गये, उनके मुकाबले में वह लोग बहुत अमीर थे जो वहां से यहां आये हैं। मैं फिर दोहराता हूं, बार बार यहां पर दोहराता रहता हूं. और आनरेबुल मिनिस्टर से कहता हूं कि यहां के लोगों का जो लाखों रुपये का पाकिस्तान जाने वालों के जिम्मे कर्जा था आप के हुक्म से, गवर्नमेंट के हुक्म से, स्टेट गवर्नमेंट के हुक्म से या सेंटर के हुक्म से, लोगों ने उसकी फेहरिस्तें बनाई। अपने क्लेम्स दिये, तहरीरात पेश कीं। वहां के लोग इन लोगों के मकरूज थे, राजस्थान में फहरिस्तें बनीं. गंगानगर में बनीं, मालेरकोटला में बनी. उस का रुपया क्या आप पाकिस्तान से वसूल करेंगे और देंगे इन लोगों को ? मैं नहीं कहता कि वह रुपया खजाने से दीजिये लेकिन अगर कुछ मिलता है तो पहले उन को हक है जिन की वह रकम है। खैर, इस को छोड़िये। मैं पूछता हूं कि आप जो मूवेबुल्स का जिक्र करते हैं उन के बारे में आप का क्या ख्याल है ? उसका अन्दाजा आपको कैसे लगेगा ? मैं तो कहता हूं कि अगर जो कुछ वहां रह गया है उसके मुकाबिले में आपको एक पैसा भी मिल जाय तो मैं राजी हूं कि उसको ले लीजिये। लेकिन कम से कम अपने क्लेम्स की तादाद कम न कीजिये। आप रोज जिक्र करते हैं कि मूवेबुल के लिये इतना रुपया हमको पाकिस्तान से लेना है। मुझे दुख होता है कि आपको इस का अन्दाजा भी नहीं है कि वहां हम लोगों का कितना रुपया और मालमत्ता पड़ा हुआ है ? कुछ भी हो, उन से आपको कुछ भी मिले, आप फैसला कर लें, मुझे कोई ऐतराज नहीं है। लेकिन जो कुछ भी उन से मिले, एक पाई भी अगर उस के बदले में मिले, आप ले लीजिये। मैं तो कहता हूं कि आपने मुआहदा किया, आपको मुबारक हो लेकिन मुझे डर है कि कहीं ऐसा न हो कि यह आखिरी चीज हो। मैं तो यह मानता हूं कि जो भी आपने मुआहिदे किये हैं, आप उन को पूरा कराइये। उस के लिये बिल की क्या जरूरत है ? आपने मुआहदा कर लिया तो ठीक है, हां कोई चीज बाकी रह गई तो उस के लिये आप जो चाहें कर सकते हैं। और अगर बिल आना ही है तो मैं कहता हूं कि पहले यह तो तसल्ली कर लीजिये कि वहां पर क्या क्या रह गया है। मैं ने पिछली दफा एक मौके पर अर्ज किया था, और वह दरअसल कंट्राडिक्ट्री सी चीजें हैं, ऐसा आप कहेंगे लेकिन मैं कहता हूं कि यहां पर सरदार हुक्म

सिंह न कहा कि वहां एक रेस हार्स रह गया। मैं तो कहता हूं कि एक नहीं पता नहीं कितनी चीजें रह गईं। सरदार दातार सिंह का एक कैटल का हर्ड रह गया जो कि बहुत बड़ा था और निहायत बेशकीमत था। उन में से आप को कितनी गायें और भैंसें मिलीं? वह सब की सब वहीं रह गईं। पेश्तर इस के कि आप बिल लायें, मेरी राय में पहले आप अपनी तसल्ली तो कर लीजिये। तसल्ली करने के बाद कोई मुआहदा करना ठीक होगा। फिलवाकया, वसूली के लिये हम लोगों के पास दो ही रास्ते है, एक तो मुआहदा है, और दूसरे के लियें मैं कुछ कहना नहीं चाहता।

श्री यू० एम० त्रिवेदी : समझते तो सब कुछ हैं।

पंडित ठाकुर दास भार्गव : हम सब से ज्यादा बेहतर आप समझते हैं। यह बिल ऐसा है जिस पर कोई ऐमेन्डमेंट नहीं है।

संचार मंत्री (श्री जगजीवन राम) : आप बहुत अर्ज कर चुके।

पंडित ठाकुर दास भार्गव : अच्छी बात है।

श्री ए० पी० जैन : जनाब, मुझे इस के जवाब में कोई खास बात नहीं कहनी है सिवा इस के कि यह जो कहा गया है कि बाकी चीजों के लिये क्यों नहीं बिल लाया गया। मेरा कहना है कि उन चीजों के लिये बिल की जरूरत नहीं है। यह बिल इसलिये लाया गया कि अगर अदालत में कोई डिपाजिट है तो वह कानून के ही जरीये से एक जगह से दूसरी जगह जा सकता है। अगर कोर्ट आफ वार्ड्स हम को पैसा देता है, या मनकूला जायदाद को मुन्तकिल करता है तो वह तो कानून के ही जरिये से हो सकता है। मनकूला जायदाद के बारे में जो फैसला हुआ है, उस में जिन के लिये कानून की जरूरत है वही इसके अन्दर लाई गई है। जिन के लिये कानून की जरूरत नहीं हैं, उन को इस में रखने की न जरूरत थी और न उन के लिये कानून आयेगा।

Mr. Deputy-Speaker: The question is:

"That the Bill be passed"

The motion was adopted.

AIR CORPORATIONS (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now take up the Air Corporations (Amendment) Bill, 1954.

The Minister of Communications (Shri Jagjivan Ram): I beg to move:

"That the Bill to amend the Air Corporations Act, 1953, as passed by the Council of States, be taken into consideration."

This is a very simple Bill, which seeks to extend the period provided in the Act for certain purposes. I do not think any speech is necessary, because the Statement of Objects and Reasons makes it quite clear. I hope the House will pass this measure.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend the Air Corporations Act, 1953 as passed by the Council of States, be taken into consideration."

I shall now call upon Shri M. S. Gurupadaswamy. Hon. Members will take as little time as possible, of course, very effectively.

Sardar Hukam Singh (Kapurthala-Bhatinda): The hon. Minister has spared some time for us.

Shri M. S. Gurupadaswamy (Mysore): It was very surprising to find that the hon. Minister while moving for the consideration of the Bill contented himself with saying just one sentence that this Bill may be passed, as if it does not involve any vital matter.

Before I deal with the main issue before us, I would like to make one general observation. According to the Rules of Procedure, it is required that in all cases of introduction of Bills in the House, the sponsor of a Bill should append a memorandum, apart from the Statement of Objects and Reasons, giving more detailed information. But unfortunately, this procedure outlined in Rule 83 of the Rules of Procedure has not been followed by the drafters of this Bill. It is a very unfortunate omission. At least hereafter, Government should take more care to observe the Rules of Procedure and Conduct of Business in the House. I think there has been only one Bill which was passed earlier, and which contained just a short memorandum with only one sentence.

Mr. Deputy-Speaker: Where is the reference to such a memorandum in Rule 83?

Shri M. S. Gurupadaswamy: It is required that apart from the Statement of Objects and Reasons, there should be a memorandum.

Mr. Deputy-Speaker: Only two types of memoranda are referred to here, a memorandum regarding delegation of legislative power, if there is any such delegation, and a memorandum regarding the financial implications, if any.

In this case, I do not think any financial implications are involved.

Shri M. S. Gurupadaswamy: There are financial implications. The object of the Bill is to extend the period in regard to submission of accounts etc. That means extra work, and extra expenditure.

Mr. Deputy-Speaker: The other Companies which have been taken over are asked to submit their audited accounts etc. within a certain period. They want some more time for that. Under Rule 83, whenever a Bill is introduced imposing an obligation on Government to expend some money out of the Consolidated Fund of India, they should append a statement showing clearly the financial implications involved. The other memorandum referred to in that Rule arises only when the Speaker orders the publication of any Bill in the Gazette, which involves delegation of legislative power to Government; in that case, a memorandum regarding such delegation is to be appended. Otherwise, no memorandum is necessary.

Shri M. S. Gurupadaswamy: A financial memorandum is required, because it involves certain expenditure from the Consolidated Fund of India.

Mr. Deputy-Speaker: Does it involve any expenditure on the part of the Government of India, from out of the Consolidated Fund?

Shri Jagjivan Ram: I think the Corporations will have to pay for it. No new staff will be employed. The staff which is carrying on the work already will continue that work.

Shri M. S. Gurupadaswamy: Sir, I leave it at that.

Regarding the Bill itself, I want to say that Government have failed in their duty in not persuading the Companies or the managements of these Companies to submit books of account and other things which are necessary. Some of us expressed a little doubt when the Bill was first debated in the House that the managements would not co-operate with them, and Government have always been lukewarm in dealing with managements of big companies. This is a case—a typical case—of non-cooperation, or shall I say, lack of action on the part of Government to demand books of account within time. There are two things involved. There is lack of enthusiasm, or shall I say,

lack of sincerity, on the part of Government in making this Act a success, and on the part of the managements there is an element of non-cooperation. I want the Minister to see that the period that was provided in the parent Act was quite adequate for this purpose. The companies who were dealing with this matter of civil aviation already knew in advance that they were going to be nationalised, and they had to submit accounts. In spite of that, I do not know why they need more time, except, of course, to cook up new accounts and to inflate figures and to have more bloated demands on Government. I think that the various managements which ought to have submitted books of account within that period. The time given was sufficient. Therefore, the demand for more time seems to create in us, a suspicion in our minds...

Shri Jagjivan Ram: I may clear it up? The extension of time is not for the companies. It is for the Corporations to approach the tribunal, if they find it necessary.

Shri M. S. Gurupadaswamy: That is true, the Corporations want this time. But you thought that the Corporations could get all these accounts within this time. But they did not get these things within this specific period. Why did they not get these things? Why did they not finish the work? What was the reason behind it? That is my question.

So I say that the Minister should not have come before this House for extension of time.

There is another important matter in connection with this, that this work could not be finished because there is a growing internal conflict between the managements of the two Corporations, the Air India International and the Airlines Corporation. Very soon after the Corporations were started, they came into conflict on various issues. This delay therefore was due entirely to the conflict and disharmony that exist between the managements of these two Corporations. My complaint is that they failed to carry out the provisions of the Act. The Government did not take any steps to see that these things are done in proper time. It is really disgusting that the hon. Minister should come to the House and ask for extension of this sort, when there is a clear case of failure on his part and also on the part of the management to carry out the purposes of the Act within the specified period. The Minister ought to have seen that the managements run the affairs properly. I still hold—and the Minister may deny—that extension of time means more expenditure, more work for the staff and more staff. It is not good practice to amend the parent Act for such small matters. I again say the working of the Corporations is not satisfactory. They are in conflict on many major and minor issues, and one corporation does not tolerate the existence of the other. If this spirit of disharmony continues and is carried further, I think, it will mean more inefficiency and more danger. It may not also be out of place if I say that the air crashes and all other things are ultimately due to the inefficiency of management and the conflict that is going on there.

Mr. Deputy-Speaker: The hon. Member is going away to another subject.

Shri T. B. Vittal Rao (Khammam): They are only casual references.

Mr. Deputy-Speaker: Casual accidents and casual references.

Shri M. S. Gurupadaswamy: Finally, I say, we do not feel any justification for the action of Government and we do not see any reason why the hon. Minister should have come with this Bill. He could have avoided this debate if he had taken some serious steps in this regard.

Shri T. B. Vittal Rao: In normal circumstances, we could have easily agreed for the extension of time.

[Shri T. B. Vittal Rao]

This Act was passed by this Parliament as long back as May, 1953. After that, the Air Corporations were inaugurated on the 1st of August. There was four months' time. There was another month after this too for the Air Companies to submit their returns. I expected the hon. Minister to tell us to what extent the scrutiny has proceeded, what are the things that have been valued and what is the amount of work which is still left; how much of the Companies' accounts have been audited, and so on. But the hon. Minister simply thought it fit to refer to the Statement of Objects and Reasons of the amending Bill in which we are not given all these facts. Every one of these Air Companies, before they were taken over, had to get their accounts audited annually and submit them to the Registrar. Why should there be a change now? Is the delay due to Government? What are the things yet to be scrutinised? These things make us suspicious. Before these Air Companies were taken over, the cases of some were before the Income-Tax Investigation Commission. Daily, reports appear about something or other happening. Everything is not well. One day, there is a report about differences of opinion between the Chairman of the Corporation and the Ministry of Communications. I do not know what those differences are. It may be interested propaganda, but we ought to know in view of what is going on in the Press.

Secondly, there was a recent air crash. The pilots have been taken to task. Were these test flights to be carried out by ordinary pilots or by specially trained pilots?

Mr. Deputy-Speaker: I cannot permit this. It is absolutely irrelevant, although interesting.

Shri T. B. Vittal Rao: These Corporations are not functioning properly. When we are asked to extend the time. we should be given more facts. We do not know when the services will be integrated. It has not been done so far.

Mr. Deputy-Speaker: He will have ample opportunity to raise that point during the Budget discussions.

Shri T. B. Vittal Rao: All these things are there. He should make them clear before we can agree to this extension.

Shri N. Rachiah (Mysore--Reserved—Sch. Castes): I support this Bill very strongly. This is a simple amending Bill. My hon. friend Shri Gurupadaswamy said that the Minister has been coming off and on for amending the original Act. This is the first amending Bill that has come before us. After the Act was given effect to. they have found some administrative discrepancies and difficulties and as such. in the interests of Government's revenue and to ensure proper administrative functioning. an amendment is necessary. Clauses 2, 3 and 4 require a simple thing to be done. Instead of six months. the amending Bill seeks to provide one year within which the Air Corporations will be able to check the accounts and books. so that it may be possible for the Air Companies and the Air Corporations to run the administration with perfect understanding and harmony. This amending Bill is thus very simple and requires no debate at all. They should not oppose and charge the Government with something merely for the sake of opposition. Nobody is supernatural. If the Minister could have anticipated these things at the time of bringing the original Bill, the same thing would have been done by the Members who have criticised him now. It is only during the working of the Act that these things have been found out and as such they have to be rectified through this amending Bill. As such. I very strongly support this Bill, which may be passed without any further debate.

Mr. Deputy-Speaker: We have not heard the hon. Member, Mr. Rohini Kumar Chaudhuri for a long time.

Shri R. K. Chaudhuri (Gauhati): It is not my fault entirely. When this topic of aviation is in the air in the House, I feel very strongly tempted to make certain observations.

An Hon. Member: Airy observations?

Shri R. K. Chaudhuri: It will be recollection of the House that when the last Bill was under discussion, I made a few appeals in favour of the air hostesses and I am glad to be able to say that my appeal has not gone in vain,—whether it was due to the merits of the air hostesses or whether it was due to the pleadings which had been put forward in the House, I am unable to say.

Shri Jagjivan Ram: Or whether it was to please you.

Shri R. K. Chaudhuri: I regret to observe that I have seen no evidence of gratitude from that side. Whether the hon. Minister of Communications has received any such evidence, I am not in a position to say, but I have travelled of late to different places, and personally speaking, I have received no special favours from them. All my effort, if it had depended on any return, has proved unsatisfactory.

Shri Jagjivan Ram: Try on your next journey.

Shri R. K. Chaudhuri: At that time I had the opportunity of seeing the right palm of the hon. Minister of Communications and made certain predictions on that occasion. I had said that the number of services, so far as Assam is concerned, would be reduced and that there would be an attempt to bring about an economy in the administration to the detriment of the interests of the passengers. I can say confidently......

Mr. Deputy-Speaker: I am sure the House is interested in hearing the hon. Member who speaks in an interesting manner, but as I have already told some other hon. Members, these remarks do not seem to be relevant to the Bill and they may kindly be reserved for the Budget speech. I will call upon the hon. Minister to reply.

Shri R. K. Chaudhuri: I hope you will remember me then, Sir.

Mr. Deputy-Speaker: You will be the first to speak on the Air Corporations Bill at that time.

Shri Jagjivan Ram: In the first instance, I should say that at no stage has there been any conflict between the two Corporations. They have functioned very amicably and on no occasion has it come to my notice that there had been any difference between the two. The time asked for is necessary because, under the scheme of the Act, the compensation has to be determined. The compensation has to be offered by the Corporation to the existing Companies, and for determining the compensation, as has been provided under sections 22, 23 and 24, the Companies are to submit certain returns and those returns have to be scrutinised by the officers of the Corporation and Government, and if after scrutiny they find that certain expenditures or liabilities in the books or in the returns are not genuine, they can bring them to the notice of the existing Companies in the first instance within three months from the date of receiving the returns. Then again, if certain debts and agreements have to be challenged, they are to be challenged by the Corporations before a tribunal within six months from the appointed date. Now the six months from the appointed date, which was the 1st of August 1953, have already expir-

[Shri Jagjivan Ram]

ed. It happened like this. In the first instance the Companies did not submit their returns within the specified period of thirty days, and the Corporation gave them extension. It became inevitable. We found that they had to submit a mass of information and though the Communications Ministry had taken action well in time,—as early as May 1953 we had thirty special forms printed and sent to the Air Companies to send their returns—the work involved was a colossal one. We found that it was not possible for us to scrutinise all the material that we received from the Companies within the short period at our disposal. We were also convinced that if we tried to expedite the thing, it may happen that proper scrutiny would not be carried out. We may in certain cases be paying more than what the Companies deserve. Therefore, it became necessary to get extension of the time. But during this period we have made great progress.

Sir. I would like to give the House an idea of the volume of the work that is involved. The verification of book debts has been completed in six cases. In the remaining three it is likely to be completed very soon. The checking of liabilities of five operators has been completed; two cases are in progress and two are going to be taken up very soon. In regard to inspection of agreements, I may say for the information of the House that we had to scrutinise nearly three hundred agreements which the existing Companies had entered into with various parties and they had to be scrutinised very carefully. Then the greatest and most stupendous task was the physical verification of the stores of these nine Companies and we had to engage a team of nine experts from the H.A.L., the Directorate-General of Civil Avaiation and the Airlines Corporations in order to verify all these stores. Their verification has been completed and the verification of the value has been completed in the case of five existing Companies and is in progress in the case of remaining four Companies. The entire work in connection with the verification of values of fixed assets other than the stores has been completed in respect of four Companies, while most of the forms of the other five have been scrutinised. The time that is taken is inevitable. At the time we introduced the Bill and when the House considered it—I have to be very frank—I personally had no idea that the work involved was such a large one. I had thought that the Companies would submit their returns within one month or, say, two months, and the three or four months we will have in our hands would be enough for the scrutiny of all the returns that we receive from the Companies. After they were received, I found that it was impossible to have them properly scrutinised, to have a physical verification of their stores and also scrutinise it and the other agreements entered into by the existing Companies with certain parties. They were to be scrutinised not only from the legal aspect but from accounts aspect as well. All these things have taken time and now the extension is not required in the interests of the Companies but in the interests of the Corporation, which ultimately amounts to the interest of the Exchequer so that by any laxity in their scrutiny or verification, we may not pay something more than what they deserve. We have to deal with very hardened people in these Companies and we have to take every precaution. I am quite alive to the responsibility and the tremendousness of the work. Therefore, I am taking every possible precaution, and that is why we have come before the House for the extension of the period during which we can challenge the veracity of the returns submitted by the Companies before a tribunal if

necessary. I think it is very necessary and I hope the House will give this extension.

Mr. Deputy-Speaker: The question is:

"That the Bill to amend the Air Corporations Act, 1953, as passed by the Council of States, be taken into consideration."

The motion was adopted.

Clause 2.—(*Amendment of Section* 22)

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 *was added to the Bill.*

Clause 3.— (*Amendment of section* 23).

Shri Gadilingana Gowd (Kurnool): I beg to move:

In page 1, line 8, *for* "one year" *substitute* "nine months".

Just now the hon. Minister told this House that the Air Corporations require time for going through the accounts. The Statement of Objects and Reasons says:

"In view of the fact that the existing Air Companies are taking more time than anticipated for the purpose of supplying the Corporations with a list of their book debts, investments"...etc.

It is evident from this statement of Objects and Reasons that it is the Air Companies that are taking more time and not the Corporations. It is, therefore, with a view to see that the time required by the Companies is minimised and also to see that there is no scope for them to manipulate their accounts, I am moving this amendment.

Shri Jagjivan Ram: My hon. Friend has moved that amendment under a misapprehension. The amendment refers to clause 23 where the period fixed, that is six months, would apply to the tribunal and not to the Companies. If the Corporation finds there is some defect in the returns submitted by the Companies it has to apply to the tribunal and this extension of time is not in the interests of the Companies but in the interest of the Corporation.

Shri Gadilingana Gowd: In that case, I do not press my amendment.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 *was added to the Bill.*

5 P.M.

Mr. Deputy-Speaker: Is any amendment going to be moved to clause 4?

Shri Gadilingana Gowd: Sir, in view of what has been said by the hon. Minister I am not moving my amendment.

Mr. Deputy-Speaker: Then I shall put all the clauses together.

The question is:

"That clauses 4, 5, 1, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 4, 5, 1, *the Title and the Enacting Formula were added to the Bill.*

Shri Jagjivan Ram: Sir, I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

Mr. Deputy-Speaker: The next is the Shipping Bill. There are a number of amendments to the Bill. We will take it up at six o'clock. The House will now stand adjourned till 6 P.M.

The House then adjourned till Six of the Clock.

The House re-assembled at Six of the Clock.

[MR. SPEAKER *in the Chair*]

CONTROL OF SHIPPING (AMENDMENT) BILL—*contd.*

Shri M. D. Joshi (Ratnagiri South): Mr. Speaker, Sir, I was in the middle of my speech last time......

The Deputy Minister of Railways and Transport (Shri Alagesan): Almost at the end.

Shri M. D. Joshi: I am not going to tire the patience of the House, I assure hon. Members. However, I have to stress two or three small points which I shall finish just now in a very short time.

Sir, I spoke about the steamer fares last time. Then I spoke about the fleet—the sadly depleted fleet of the Bombay Steam Navigation Company. The fleet is so depleted that the Company is not able to run its normal lines throughout the week. Therefore, it has to curtail the sailings of some of the ships. But the unfortunate part of it is that in spite of the persistent and consistent demands of the people for restoration of certain lines, the Company is constantly refusing to accede to the public demand, and our grouse is that our Government is not paying sufficient attention to the needs of the public....

An Hon. Member: Perfectly right.

Shri M. D. Joshi: Sir, I belong to a very obscure corner of the country. Formerly, in the days of the mighty British Government, the old companies used to play havoc with public opinion, and the same thing is being repeated in our own time, in the time of our own *Swaraj*. This is a thing which I am very sad to relate here. But facts must be faced, and our Ministry must be informed of what is going on in the country. Therefore, Sir, in all earnestness, I urge upon the hon. Deputy Minister that Government may kindly pay immediate and urgent attention to the problems of coastal shipping on our side.

Then, Sir, all small ports come within the purview of the State Governments. But the carriage and the safety of passengers on board the ships is the concern of the Central Government. Now, the funny situation is this, that when a ship enters a small port, it is guided by the beacon lights that are to be maintained by the State Government. The Bombay State Government, however, does not maintain any beacon lights in the coastal ports. The House will be very surprised to know this fact. In spite of this fact being brought time and again to the notice of the State Government, nothing has been done. When we ask questions—I sent questions here—they were rejected because it was a State subject. What are we to do? As I said, the safety of the passengers is the concern of the Central Government. But how are the passengers to alight and to board safely unless there are good beacon lights? So what has happened is that the Company has put up its own beacon lights and these beacon lights serve other ships also. This is a very sad state of affairs and I say it does not do credit to any civilised government.

An Hon. Member: A very good point.

Shri M. D. Joshi: I therefore request the hon. Minister to induce the State Government to do its duty by the passengers. (*Interruption*) We request him to visit our ports. Let him travel as an ordinary passenger *incognito*, as some hon. Members had suggested.

Shri Joachim Alva (Kanara): As a deck passenger?

Shri M. D. Joshi: Yes.

Shri Joachim Alva: In the crowded B. S. N. ship?

Mr. Speaker: Order, order. Let him proceed.

Shri M. D. Joshi: I can assure you that our Ministers are quite amenable to that; I have no manner of doubt.

One small point and I have done. We have been requesting the B.S.N. Company to start a line to touch some ports. They have refused. Another thing is that we were asking them to change the time table, which they have refused. Simply because there are new managers who do not know anything of the past history, —they fling all sorts of arguments in our face. To tell you a funny story. One manager told me, when I was urging him to re-start an evening steamer that was cancelled, that it was not possible to run evening steamers. I told him, "That is very fine navigation".

My point is that there should be Advisory Committees for every port appointed by this Government to look into the grievances of the passengers and to get them remedied as early as possible. In our State there is a committee looking after the comfort of the passengers. This Government is now going to give an aid of Rs. 16 lakhs for amenities in ports in Bombay State. Therefore this Government should insist that the affairs of that body should be carried on in such a way that their opinions will prevail upon the Company whose affairs are carried on in a haphazard and arbitrary manner.

I would have liked to give more details but I know the temper of the House and I do not want to tire hon. Members with further arguments. I therefore present my case with all humility for the consideration of the hon. Minister and resume my seat.

Shri Alagesan: Sir, I first wanted to thank the hon. Members who participated in the debate. Now, I thank the hon. Members who have taken the trouble to remain behind after the short break that the House had. I may assure the hon. Members that they would not regret having stayed here.

I should like to say that all the hon. Members who took part in this debate made very constructive suggestions. Even Shri Mukerjee, who is not here and who is not particularly known for observing restraint in language, was constructive in his suggestions. The question raised about this Bill was, why is this being extended by two years, every now and then? In fact, it was confused with the issue of a consolidated legislation on shipping. Shri Gandhi, who is otherwise a very sober speaker and whom I am sorry not to find here now, even he confused the issue and said, why not have this Bill only for one year?—as if it is some Press Bill that was being passed! I may tell the House that this is a complete Act. It can stand by itself. Originally, the view was taken that when the consolidated legislation was to be presented, this also may form part of it. Since we are preparing that legislation, we are asking the House to extend the life of this by another two years. In fact, that is a complicated piece of legislation numbering hundreds of clauses, involving a lot of administrative and technical details. Now, I am glad to tell the House

[Shri Alagesan]

that we have a Special Officer, who nas got a lot of experience in the subject, put in charge of this Bill and we will try to bring the Bill before the House at least next session. As the Deputy-Speaker, who was in the Chair then, pointed out, that is the purpose of the Bill, though Members traversed over the entire field of merchant shipping. I said that I would be presenting the Merchant Shipping Bill, but they spoke as if it had already been presented. That was what I wanted to tell the House in the beginning. This was the Act by means of which we were able to successfully prosecute our policy of cent. per cent. coastal reservation for Indian shipping. A doubt was expressed as to whether even now coastal shipping is reserved to Indian interests completely. That is so. In fact, coastal trade carried in Indian ships in 1950-51 was 80 per cent, in 1951-52 94 per cent, and in 1952-53 cent per cent—of course, there is some little chartered foreign tonnage, which comes to about 25.000 and that also is completely in the control of the Indian shipping interests, and that is considered to be the minimum which cannot be avoided just now. Also, a doubt was expressed whether foreign ships enjoy this privilege under the garb of being Indian ships. Although Indian ships on the British registry enjoy the status of British ships, the converse is not true. All the shipping companies that are at present plying in the coastal trade are Indian, most of the shareholders are Indian and directors and managing agents are all Indian, and the House need not entertain any doubt as to the success of the reservation for Indian shipping.

Again, hon. Members wanted a more rapid rate of expansion of Indian shipping. It is true that the Shipping Policy Committee recommended in 1947 that we should reach a maximum tonnage of two millions by 1954 but subsequently, the Planning Commission considered this matter and thought that before the Plan period is over, we should reach a target of 6,00,000 tons. That, I can assure the House, is being progressively realised. The tonnage in 1947 was only 1,40,000. At the beginning of the Plan period it was 3,90,000, and now it stands at 4,35,000. In the remaining period of the Plan, we hope to realise the rest of the tonnage. Government policy on this matter has been announced and is being steadily pursued. Loans have been granted and are being granted. In fact, a larger sum than was contemplated in the Plan will be provided for grant of loans to buy ships that will ply in the coastal trade as well as in the overseas trade. As far as loans for coastal shipping are concerned, already Rs. 1.9 crores has been sanctioned and another Rs. 2.89 crores has been promised, which makes it Rs. 4.8 crores, while the Plan contemplated only Rs. 4 crores. Similarly for the overseas shipping, the loan that was contemplated was Rs. 6.5 crores, whereas Rs. 8.5 crores has been promised, and we hope the companies will come forward and utilise this amount.

So also with respect to loans that have to be given for orders placed on the Visakhapatnam Shipyard. It is proposed to give Rs. 5·5 crores, whereas the Plan contemplated only Rs. 4.5 crores; that is to say, a provision of about Rs. 4 crores more will be made than what was contemplated in the Plan. The hon. Mr. Mukerjee quoted some journal where it was said that the Secretary of Transport Ministry said that Rs. 35 crores has been provided for. That is not the correct figure. It is Rs. 23.5 crores.

Also certain concessions with regard to these loans have been given. It was intended originally to give only 66 and 2/3 per cent. for coastal ships and 75 per cent. for overseas ships. Now that has been relaxed and we propose to give even up to 80 per cent. and 85 per cent. of the

purchase price depending on the merits of the application. Also, the rate of interest to overseas shipping has been reduced to 2½ per cent. In the case of loans to coastal lines if the loan is repayable within four years it will be 4 per cent. For more than four years it will be 4½ per cent.

The question of the Visakhapatnam Shipyard also was raised. I may tell the House that in the Plan period the Visakhapatnam Shipyard has already built 35,000 odd tons; ships under construction there come to 39,770 tons and those for which orders are expected come to 21,000 tons. This comes to nearly a lakh of tons which was what was contemplated in the Plan for construction in the Visakhapatnam yard.

Then, Sir, Prof. Mukerjee spoke of flag discrimination and the difficulties experienced by Indian shipping regarding entry into intermediate trade on the India-U.K. run. In fact, he was quoting in a very apologetic manner Shri A. Ramaswami Mudaliar. When he was quoting Shri Ramaswami Mudaliar, Sir, I felt a little embarrassed at the irony involved in being told that he stood for *swadeshi* more than the Government here.

This question of flag discrimination has not been properly understood, I should say. In fact, Sir, our shipping tonnage is very small, as hon. Members pointed out. All our purchase missions abroad try to make use of Indian bottoms, as much as possible, but it is not as if Indian ships touch those foreign ports very often whenever cargo is available. In those cases it becomes necessary for us to bring our cargo in other ships. It is not possible to wait for Indian ships. For instance as the House knows, we placed orders for locomotives from Japan. We consulted the Corporation. They said they will not be able to bring more than a very small percentage of the cargo that will be available in Japan because they now have only one ship plying regularly on that line. It is not as if Government is unmindful of the interests of Indian shipping; it is a question of the limitations that obtain. When we are able to expand our shipping, the volume of our overseas trade will certainly increase and the benefit will go to our shipping. It is not a question of being touchy about any discrimination as was pointed out by an hon. Member.

As regards the entry of Indian lines in these intermediate trades, the matter is now being very actively pursued by Indian shipping interests; they have taken it up at commercial level with the other companies of the conference. The conference is purely a voluntary association of the shipping companies engaged in a particular trade and it is for them to mutually discuss the matter and come to an understanding. But if it is proved that these negotiations have been of no avail and that Government should step in and do something we are prepared to look into the matter and take whatever steps that may be necessary at that time.

The question of oil tankers was raised. I think Shri Alva also raised the question and very vehemently pleaded that India should possess at least a fleet of six tankers. I know he is very much interested in these tankers; he has often spoken about it and of the harm resulting from our lack of these tankers. We made enquiries when these agreements were entered into with the foreign oil combines. Enquiries were made if any Indian shipping company was prepared to purchase tankers. The tanker trade is rather a risky one because the tankers have to go in ballast to the oil ports. Our Indian shipping companies—I do not blame them—naturally did not venture to take that risk. It was thought that Government may be in a position to acquire these tankers and certain safeguards have been entered in these agreements with regard to tankers owned by Government or owned by corporations where the majority of the shares are held by the Government. The Production Minister—I am quoting Shri Reddy—in his

[Shri Alagesan]

speech has spoken about it when doubts were expressed that Indian shipping interests have been neglected. He replied and said as follows: "Certainly, the implications of the clause in the oil agreement are not as serious as seem to have been misunderstood." That is what he has said. He went on to add: "I need hardly say that Government will welcome Indian shipping enterprise in this field and would readily consider any specific proposals that may be put forward." As it is, we do not —it is an unfortunate fact—own any tanker and as such there is no question of any Indian interest having been affected seriously by these agreements.

Shri Joachim Alva: I want to ask just one question. May I know from Government whether they offered any monetary assistance to ship owners to buy tankers—anything, say, one-third, one-fourth or one-fifth—when they asked for Government assistance for buying tankers?

Shri Alagesan: As I had occasion to point out just at the beginning of my speech, it is for the shipping companies to have come forward and asked for loans for tankers. Loans could have been granted for the purpose of purchasing tankers if shipping companies had come forward. But as I said, the tanker trade is a risky one and the Indian shipping companies did not come forward with any proposal. It is not as if they come forward and Government refused to grant any loan. I should like to make it perfectly clear.

[MR. DEPUTY-SPEAKER *in the Chair*]

Both Shri Gandhi and Shri Joshi referred to the question of increase in the fares levied by the Bombay Steam Navigation Company on the Konkan run. The Government appointed a Rates Advisory Board in 1949 under the Control of Shipping Act, to go into the question of fares charged by this particular company. This Board recommended that there should be reduction of 12½ per cent. But before the Board made that recommendation the company, on its own and on the advice of Government, reduced the fare by 8¼ per cent. So it was thought that there was no further necessity of asking the company to reduce the fare. Also, as a result of the report of the Deck Passengers' Committee, whose recommendations had to be implemented by these companies and which meant extra expenditure, it was not thought necessary to ask this company to reduce the fares further. There the matter stands.

But that does not mean that, if it is proved that the fares are really high, a further review cannot be had. In fact a review, I am told, is due towards the end of this year. When that review is undertaken, certainly the question whether the fares charged by this company on the Konkan run are unduly high can be examined and, if it is so, suitable action taken. That is what I would like to tell the hon. Member who raised the question.

Sir, as the Members who raised the points are not here, I do not think I should tire the House by going through all the points raised. (*Some hon. Members*: Yes, yes.) So I shall finish, Sir, with only one remark, and that is with reference to Pakistani seamen. Shri H. N. Mukerjee raised that point. (*An hon. Member*: He is not here). He said that the visa system is causing hardship to Pakistani seamen. The House knows the history and the origin of this visa and passport system. And India was not responsible for it. That also the House knows. And once having agreed to have this system between the two countries, it is not possible to exempt Pakistani seamen. And everything is being done to make it easy for them to obtain these things. For instance it has been decided to threat their C.D.Cs., that is continuous discharge certificates, as their passports. They have only

to obtain visas. And these are issued to them at the time they are discharged at Calcutta. For seamen who are already in Pakistan, visas are issued by the Indian High Commissioner in Dacca. Also, as far as we are aware, no complaint has reached us with regard to any difficulty being experienced by these Pakistani seamen.

Mr. Deputy-Speaker: Are there no Indian seamen at all?

Shri Alagesan: Yes, Sir, there are.

Mr. Deputy-Speaker: A large number are coming from Pakistan, is it?

Shri Alagesan: Sir, a large number belong to Pakistan, but they are recruited at Indian ports.

Mr. Deputy-Speaker: Are similar Indians taken in Pakistan ports?

Shri Alagesan: No Sir, the question is that most of our seamen, say, eighty to eighty-five per cent are employed by foreigners. And those foreign companies recruit seamen here in our ports. They recruit, of course, Indian seamen. I may perhaps add that there is a lot of abuse in this recruitment. To obviate that we are going to establish Seamen's Employment Offices both at Bombay and at Calcutta. Already the office at Bombay has been opened and it will start functioning very shortly. The Calcutta office will also be established soon. So that is the question that is rather important for the seamen, and that is being attended to by us. It is true, since there is no recruitment at Pakistan ports, there is no question of recruiting men other than Pakistanis. Sir, with these words I commend the Motion.

Mr. Deputy-Speaker: The question is:

> "That the Bill further to amend the Control of Shipping Act, 1947, as passed by the Council of States, be taken into consideration".

The motion was adopted.

Now, we will take up the Bill clause by clause.

Clause 2.—*(Amendment of section 1)*

Shri Gadilingana Gowd (Kurnool): I beg to move:

In page 1, line 6, *for* "1956" *substitute* "1955".

Mr. Deputy-Speaker: I will put it to the vote of the House because at half-past six I must apply guillotine.

The question is:

In page 1, line 6, *for* "1956" *substitute* "1955".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

> "That clauses 1 and 2, the Title and the Enacting Formula stand part of the Bill".

The motion was adopted.

Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.

Shri Alagesan: I beg to move:

> "That the Bill be passed."

Dr. S. N. Sinha (Saran East): Sir, I have to say something.

Mr. Deputy-Speaker: The hon. Member, I am afraid, has missed the bus. He will have many opportunities in the Budget Session.

Dr. S. N. Sinha: I will not get any opportunity to speak on shipping which subject I have studied.

Mr. Deputy-Speaker: If the hon. Member would have come up earlier, he would have caught my eye.

The question is:

> "That the Bill be passed."

The motion was adopted.

MINIMUM WAGES (AMENDMENT) BILL, 1953—*Contd.*

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved on the 15th December, 1953:

"That the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration."

The question is:

"That the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (*Amendment of section 3*)

Amendments made:

(1) In page 1, line 23, *for* "1953" *substitute* "1954".

(2) In page 1, line 26, *for* "1953" *substitute* "1954".

—[*Shri V. V. Giri*]

Shri K. C. Sodhia (Sagar): I am not moving any amendment.

Mr. Deputy-Speaker: Shri Tushar Chatterjea, absent; Shri Sadhan Gupta, absent. The amendments are out of order also.

The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4.—(*Amendment of section 14*)

Mr. Deputy-Speaker: Shrimati Renu Chakravartty, absent; Shri Tushar Chatterjea, absent. So, no amendments moved. The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.— (*Amendment of section 26, Act XI of* **1948.**)

The Minister of Labour (Shri V. V. Giri): I beg to move:

In page 2 *for* clause 5, *substitute*—

'5. *Amendment of section* 26, *Act* XI *of* 1948.—After sub-section (2) of section 26 of the principal Act, the following sub-section shall be inserted, namely:—

"(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area, it is not necessary to fix minimum wages in respect of such employees of that class as are in receipt of wages exceeding such limit as may be prescribed in this behalf direct by notification in the official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees."

Mr. Deputy-Speaker: Amendment moved:

In page 2, *for* clause 5, *substitute*—

'5. *Amendment of section* 26, *Act XI of* 1948.—After sub-section (2) of section 26 of the principal Act, the

following sub-section shall be inserted, namely:—

"(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area, it is not necessary to fix minimum wages in respect of such employees of that class as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees."

Shri Venkataraman (Tanjore): I want the Government kindly to examine this point. The Amendment Bill says that in respect of employment specified in parts I and II of the Schedule, minimum rates of wages should be fixed by the 31st December, 1954. If on 31st December, 1954, there are certain industries in which the minimum wages are not fixed by reason of any default of the Government and the wages obtaining in that industry are slightly higher than the minimum wages which in the opinion of the Government would be fixed, what happens? That is the position which you have to take into account. Minimum wages are not fixed; but, in the opinion of the Government, minimum wages, if fixed, would be lower than the prevailing rate of wages. In that case, this provision authorises the Government not to fix the minimum wages. This is a subject in which the Government would not be able to know what the minimum wages in that industry would be. This is giving a large power to the Government to merely guess what the minimum wages would be. There are various ways in which wages are fixed by the tribunals.

The Tribunals in some cases fix minimum wages. In some other cases they fix fair wages or even living wages according to the state of the industry. There are other cases in which minimum wages are not fixed but customary wages are prevailing. So, to say that merely because the Government thinks that if minimum wages were fixed they would be lower than the prevailing rates and therefore minimum wages need not be fixed in a particular industry would be to give the Government a power which certainly labour would very much regret to give. It cannot clothe Government with powers in hypothetical cases, purely on a guess as to what would be the minimum wages. I am not quite satisfied that this clause would protect the interests of labour. I would like this matter to be examined by Government. Government should issue suitable instructions whenever they think there is likely to be an abuse of this section.

Shri V. V. Giri: This matter will certainly be further examined.

Mr. Deputy-Speaker: The question is:

In page 2, *for* clause 5, *substitute*—

'5. *Amendment of section 26, Act XI of* 1948.—After sub-section (2) of section 26 of the principal Act, the following sub-section shall be inserted, namely:—

"(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment, generally or in a scheduled employment in a local area, it is not necessary to fix minimum wages in respect of such employees of that class as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees." '

The motion was adopted.

Substitute clause 5 was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clauses 6 and 1, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 6 and 1, the Title and the Enacting Formula were added to the Bill.

Shri V. V. Giri: I beg to move that the Bill, as amended, be passed.

Mr. Deputy-Speaker: Motion made:

"That the Bill, as amended. be passed."

Shri Venkataraman: I must record my emphatic protest at the way in which this Minimum Wages Act has been enforced and implemented by the Governments, both at the Centre and in the States. In 1948 this Act was passed and time was given for fixing minimum wages at the inception for one year, but subsequently it has been extended three times in this House, and yet we are nowhere near fixing minimum wages in respect of industries mentioned in Schedule I, and I do not think we are anywhere near touching the fringe of the problem so far as agriculture, which is mentioned in Schedule II, is concerned.

I had half a mind to oppose the amendment which the hon. Minister moved, *viz.*, to substitute "31st December 1954" for "31st December, 1953". In my opinion, we need not even have any date. By fixing a date we are limiting the powers of the State Governments to fix minimum wages. If they are not able to fix it within the prescribed date and if they fix it after that date it becomes null and void. If the date is not fixed, then they will have the power to fix minimum wages on any date, and there will be no limitation on the fixing of minimum wages. Some drive has to be undertaken by the Central Government by giving directions—which the Central Government has got the power to give under the Minimum Wages Act—to the State Governments, calling upon them to implement this Act as quickly as possible. I do not know why we originally asked for certain dates to be prescribed. We thought at that time that if a date was prescribed in the Act, the Governments would bestir themselves and try to fix the wages within that date. But now we have found by experience that notwithstanding any date prescribed in the Act, State Governments are not fixing minimum wages within the prescribed time, and the Central Government is obliged to come again and again at much expense to the Government and the country with Amending Bills of this kind. I would earnestly urge that the Government should try to fix minimum wages at least within the 31st December 1954, and I earnestly hope that the Labour Minister will not be obliged to come forward again with another Amending Bill extending the time.

Shri Elayaperumal (Cuddalore—Reserved—Sch. Castes): I would like to say something about agricultural labour. The Minimum Wages Act was passed in 1948, and it was not implemented by all the States, excepting Ajmer, Delhi. In the Madras State, there were frequent labour troubles during the past six years, on account of the non-implementation of the Act. On 4th March 1953, there were some agricultural labour troubles in South Arcot, Dt. Keelnatham, K. Adoor villages in Chidambaram Taluk. The poor illiterate Harijan labourers were misled by the Communist Party, and hundred Harijans were arrested and their wives were beaten by the police. Thereafter, Shri Venkataraman and myself went to Madras, and requested the Chief Minister of Madras. Shri Rajagopalachari, to extend the Minimum Wages Act at least to Chidambaram Taluk. In Chidambaram Taluk Killai Thaikel Village, South Arcot District also, in this year, similar troubles arose, and 18 Harijans were arres-

ted and a false case was filed by a Theikkal Kumarasawmy Padayatchi in Cuddalore session's court. All these things are happening, because the Minimum Wages Act has not been implemented in those places regularly and in time.

I would therefore support my hon. friend Shri R. Venkataraman, and request the Labour Minister to give necessary directions to the Madras State, to implement this Act without delay, so as to help the Harijans and the agricultural labourers throughout Madras. There is no use in simply passing laws here, if they are not going to be implemented by the States.

Shri K. C. Sodhia: I am not going to move any amendments, but I would like to make one or two requests to the hon. Minister. The Minimum Wages Act was passed for the benefit of the workers. According to that, certain reductions are permitted in the wages of the labourers. But the poor illiterate labourers do not know what sort of reductions are there, and the employers keep them in the dark, and make reductions according to their whims.

For instance, in Sagar District in Madhya Pradesh, Rs. 1-4-0 per thousand has been fixed as the minimum wages for the *bidi* labourers, but as a matter of fact, the labourers are getting only As. 13 or 14 per thousand. The *bidi* labourers are doing quite a lot of work, and yet the wages have been reduced for paper wrapping, gumming, thread etc. The workers being illiterate do not know why these reductions are being made. I would therefore request the hon. Minister to see to it that the order of the State Government allowing these reductions to be made is pasted in the factory in a prominent place, in vernacular, so that the labourers may know what reductions are made. This is my first request.

My second request is this. There are certain Advisory Committees which advise the State Governments, as to what should be the minimum wages in respect of any particular industry.

Now in the Act, nowhere is stated the grounds on which these advisory bodies are to base their calculations; nor are there any principles stated for the guidance of the local governments to fix these minimum wages. My request is that in the Bill itself, there ought to be certain provisions certain directions, both for the guidance of the Advisory Committee and of the State Governments to take these things into consideration while coming to a decision about the minimum wages. In calculating these minimum wages, the profits made by the employers should be taken into consideration because that is the main consideration on which these minimum wages are to be fixed. That is my second request.

My third request is that in the Central Advisory Board of Labour, there ought to be some representation of the Members of this Parliament because, though they have got no intimate labour connections, still they are men imbued with common sense and they are likely to give some advice in that body. That is my third suggestion.

I hope the hon. Minister will kindly take all these suggestions into consideration.

Mr. Deputy-Speaker: Mr. D. C. Sharma. When are we likely to close?

Shri D. C Sharma (Hoshiarpur): You had given me no chance to speak on the Press (Objectionable Matter) Amendment Bill. I want to speak on this Bill. I would be in your hands.

Mr. Deputy-Speaker: I have no objection. I will give five minutes.

Shri D. C. Sharma: I will obey you. I am an obedient Member of this House.

Mr. Deputy-Speaker: Very well.

Shri D. C. Sharma: Sir, I must say that I was very unhappy that I was not given a chance to speak on the Press Bill. Now, I will speak for as many minutes as you permit me.

Mr. Deputy-Speaker: Does the hon. Member want to say all that he wanted to say on the Press Bill while we are on the Minimum Wages (Amendment) Bill? He can have five minutes.

Shri D. C. Sharma: Sir, irrelevance have never been my virtue.

Mr. Deputy Speaker, Sir, to put it very mildly, I want to say that this Bill is a confession of our inadequacy. I could have used more harsh words, but I do not want to use them. I do not want to say that this Bill is a confession of our incompetence or inefficiency. I would say only this much that this Bill, which has been dragging on for so many years, shows in which way our administrative machinery moves. Sir, in the first place, it shows that there is very little of co-ordination between the Centre and the States. I think that the States are there to work in collaboration with the Centre. But what do I find? The year 1948 has passed, 1949 has passed, 1950 has passed, 1951 has passed, 1952 has passed, 1953 has passed and now we have come again to have those things implemented by the end of 1954, which should have been done much earlier than that. I would therefore request the hon. Minister that he should evolve some formula by means of which there can be closer and quicker and more effective collaboration between the Centre and the States. That is the first thing I want to say.

The second thing I want to say is this. I come from a constituency where there has been a great deal of trouble with regard to agricultural labourers and also with regard to other labourers. I do not want to mention the name of that constituency, but I can tell you that every kind of trouble that you can imagine has happened there. There were lots of cases and all that. I think there were one or two murders also. What is the reason for that? The reason for that is that there has been no fixation of the wages of agricultural labour. Not only that but the agricultural labourer has not been put on the economic map of India. I would request the hon. Minister—he has always been a lover of workers and a lover of those people who toil—to see to it that the wages of the agricultural labourers are fixed in every State in India, whether it is Part A, B or C State.

My next point is this. When we were fighting our battle for freedom, we said we want *swaraj* for our workers and peasants. Workers and peasants were our first consideration. But what has happened? Of course, we have done something for the peasant, and we have done it for the workers too. But, I believe that enough has not been done for them and if you want to see how we have failed in this matter, this Bill is a living testimony to that. Our slowly moving government car has not been able to catch up with the pace with which events have been happening in the world of peasants and the world of workers.

An Hon. Member: Slow and steady wins the race!

Shri D. C. Sharma: Slow and steady wins the race when he is sitting on the benches of the House of the People but slow and steady loses the race when he goes out of the House of the People. Therefore, I say, this is something which has got to be done.

My next point is that in my constituency—I represent a double Member constituency—there are a large number of Harijans. Whenever I go to any part of my constituency, I am told by these Harijans that they are not getting what they deserve. They say that Bapu had promised this thing and Bapu had promised that thing and that they want Bapu *raj*. I think the kind of Bapu *raj* which these Harijans have been looking forward to and which other people have also been looking forward to has not materialised and the reason is this. Most of the ameliorative legislation, welfare legislation and most of the economic legislation which our Government should have undertaken have gone by default.

Leaving apart other things, the first thing that we should do is to fix the minimum wages for these people. Unless that is done. I think, the proportion of contentment in our country will not be as high as it should be.

I will not take more time of the House because one of the Whips has come here to tell me that I should sit down. I am afraid of you and I am afraid of this gentleman also. I am afraid of everybody. Therefore, I would not take any more time of the House and I would request the hon. Minister to see to it that the Bill is implemented at the earliest possible opportunity. The Labour Minister is a friend of the workers and I hope he will not come to us again for an extension of this Bill. This is all I have to say.

Mr. Deputy-Speaker: I think I will close at 7 o'clock today. I will call Mr. Kakkan.

Shri Kakkan (Madurai—Reserved—Sch. Castes): In the name of the Harijans and especially in the name of agricultural labourers, I express my heartfelt thanks to the hon. Labour Minister. Though this Bill was passed in 1948. it was not implemented especially in the State of Madras. As you know, the workers in Madras are being misled by the Communists and the other anti-social elements. I ask the hon. Minister to ask and urge the Madras Government to implement this Act within a short time. The traitors of the past and the enemies of the future are misleading the Harijans against the Government. It is well known fact that Congress Government has done much for the upliftment of the Harijans. So, I request the hon. Minister to urge the Madras Government to implement the Minimum Wages Act within a short time and help the Harijans Agricultural labourers who are being misled by the anti-social elements.

The House then adjourned till Two of the Clock on Monday, the 15th March, 1954.

24 P.S.D.